

ORDER

1050.17

**AIRWAY FACILITIES ENVIRONMENTAL AND
SAFETY COMPLIANCE PROGRAM**



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**DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**

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RECORD OF CHANGES

DIRECTIVE NO.

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FOREWORD

This order prescribes procedures and assigns responsibilities within Airway Facilities (AF) for the implementation of Order 1050.10B, Prevention Control and Abatement of Environmental Pollution at FAA Facilities. It establishes the AF Environmental and Safety Compliance (AFESC) Program and the AFESC Committee, to assure all projects, programs, and activities for which AF is responsible are performed in accordance with applicable laws and regulations. It also provides an awareness of the basic requirements for the regions to use in the preparation of their detailed AFESC Program Implementation Directives.

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CHAPTER 1. GENERAL

1. **PURPOSE.** This order implements the requirements of Order 1050.10B, Prevention, Control, and Abatement of Environmental Pollution at FAA Facilities, and establishes the Airway Facilities (AF) Environment and Safety Compliance (AFESC) Program and the AFESC Committee. The purpose of the AFESC Program is to assure that:

- a. Projects, programs, and activities for which AF is responsible are performed in accordance with applicable environmental laws and regulations.
- b. Hazardous materials and hazardous wastes are handled, stored, and disposed of in accordance with safe operating procedures and applicable laws and regulations.
- c. Applicable environmental reports and records are maintained and filed as required.

2. **DISTRIBUTION.** This order is distributed to the division level in the Office of the Associate Administrator for Airway Facilities, and in the Offices of Environment and Energy and Training and Higher Education, to the branch level in the NAS Transition and Implementation, Operational Support, and System Management Services, at the division level at the Centers, and to the branch level in the regional Airway Facilities and Logistics Divisions with a standard distribution to the Airway Facilities Sectors and Sector Field Offices.

3. BACKGROUND.

a. Since the mid-1970s, Congress has enacted numerous statutes to establish environmental requirements and permitting procedures to protect the environment from the adverse effects of activities carried on by business and industry. With the exception of limited presidential exemptions, most of these statutes require the Federal government to comply with their provisions in the same manner as private entities.

b. In addition to the environmental statutes, Executive orders issued by the President mandate that Federal facilities comply fully with environmental requirements, and establish procedures for ensuring compliance. One of the principal Presidential directives on environmental compliance by Federal agencies, Executive Order 12088, Federal Compliance with Pollution Control Standards, states that all executive branch agencies are "responsible for compliance with applicable pollution control statutes" including "the same substantive, procedural, and other requirements that would apply to a private person."

c. Federal Aviation Administration (FAA) operations use equipment that contains hazardous substances and many types of hazardous materials such as pesticides; solvents and cleaning agents for degreasing, cleaning, and maintaining electronic equipment; paints; photocopying chemicals; and lead-acid batteries. The use and disposal of these hazardous materials are extensively regulated by the Environmental Protection Agency (EPA) and State and local environmental regulatory agencies. FAA is therefore required to follow permitting and compliance procedures established by these regulations.

d. FAA may, as a matter of policy, impose additional environmental requirements on its organizational components through the issuance of directives.

4. RELATED PUBLICATIONS.

a. Current Publications referenced or used in the development of text for this Document are listed in Appendix 1, Applicable Publications.

b. A listing of applicable Federal Environmental Statutes are contained in Appendix 2, Federal Statutes.

5. SCOPE.

a. This order identifies those provisions of Federal environmental laws that are pertinent to many AF facilities. It is designed to provide general familiarity with and a basic understanding of potentially applicable requirements. It does not list each and every requirement contained in the regulations. For this reason and because facility operations vary, each organization is responsible for examining each environmental law and regulation to determine its applicability to a particular facility. In addition, since laws and regulations change periodically, the most recent versions must be consulted to assure that the provisions included herein reflect the current requirements. Likewise, many Federal laws allow the specific regulatory program to be implemented by States. Because the chapters in this order include only Federal laws, State and local requirements must be examined to assure complete compliance with delegated programs and State-specific environmental laws and regulations.

b. This order does not cover any activity associated with the routing, rerouting, or related movement of air traffic.

c. While the occupational safety and health of AF employees is not included in FAA's AFESC Program, certain requirements related to environmental health and safety are presented in this order because an understanding of them is integral to the successful accomplishment of the AFESC Program at AF facilities and because safety and environmental responsibilities have been merged within AF divisions. For additional occupational safety and health guidance, see the latest edition of Orders 3900.6, Occupational Safety Program for Airway Facilities Personnel and 3900.19, Occupational Safety and Health.

6. ACRONYMS. A list of acronyms used in this document are contained in Appendix 5, Acronym List.

7. RESPONSIBILITIES AND AUTHORITIES.

a. Hazardous Materials Staff, ANS-204, Airway Facilities Program Manager for Environment and Safety (AFPMES) shall:

(1) Advise the Associate Administrator for Airway Facilities, AAF-1, on all matters related to compliance with environmental and safety requirements by AF organizations and serve as the focal point for environmental issues within AF.

(2) Ensure that the AFESC Program is implemented within AF divisions in the regions.

(3) Provide direct guidance and assistance to the regional program managers for environment and safety (RPMES).

(4) Request the necessary funds and personnel to implement the AFESC Program.

(5) Ensure that all operations for which Airway Facilities is responsible comply with applicable Federal, State, and local environmental and safety laws, rules, and regulations.

(6) Collect and provide appropriate environmental documentation and budget information to AAF-1 for submission to the Office of Environment and Energy (AEE).

(7) Ensure that AFESC Program requirements are considered as soon as practicable in all construction, operation, and other projects and programs administered directly by AF, including decommissioning projects.

(8) Ensure that the person in charge of a facility notifies the National Response Center (NRC) of any reportable release of a hazardous substance that occurs in his or her jurisdiction, as required.

(9) Recommend to AAF-1 curtailing or suspending any operation in the AF system that poses a substantial danger to AF employees, members of the public, or the environment.

(10) Review the annual AFESC Program Activities Report (RIS:1050-1) submitted by the regions and transmit them through AAF-1 to AEE.

(11) Ensure that AFESC program training requirements are provided to the Maintenance Operations Division, ASM-200, Technical Training and Certification Branch, ASM-250, to allow them to develop and implement training programs for all persons who have environmental and safety responsibilities. Training shall include legal and regulatory responsibilities at the Federal and State levels.

(12) Conduct routine inspections and audits, and participate in regional management evaluations of AFESC Program activities.

(13) Review and comment to the appropriate entities on proposed internal FAA environmental protection, policy, guidance, and directives; environmental requirements proposed by other Federal or State regulatory agencies; and proposed environmental legislation that may affect activities for which AF is responsible.

(14) Implement a liability reduction program, with the assistance of real property personnel and program offices for the assessment of real property prior to transfer (excess and/or acquisition). The intent of this program is to assure that any contamination on the property is properly disclosed and, as appropriate, remediated.

(15) Ensure that the estimates of funding necessary to comply with this order are included in the annual budget submission.

(16) Assure that support services are provided for soliciting, selecting, negotiating, and administering contracts for services required to implement the AFESC Program in AF Divisions, by working directly with Contracting and Procurement personnel.

(17) Ensure that adequate personnel resources are made available for implementing the AFESC and Safety Programs in AF Divisions.

(18) Oversee the activities of the AF Environmental and Safety Compliance Committee (AFESCC) described in chapter 2, Airway Facilities Environmental and Safety Compliance Committee.

(19) Coordinate and provide guidance for environmental issues to the NAS Transition and Implementation Service (ANS) Program Managers.

b. NAS Transition and Implementation Service shall:

(1) Assign an Associate Program Manager for Environment and Safety (APMES) who shall be responsible for implementing the AFESC Program within ANS.

(2) Integrate AFESC Program and National Environmental Policy Act (NEPA) considerations into the planning and execution of the overall mission of ANS and ensure that AFESC Program requirements are considered as early as practicable in all projects and programs undertaken by ANS.

(3) Ensure that all operations undertaken by ANS comply with applicable Federal, State, and local environmental and safety laws, rules, and regulations.

(4) All major system disposal plans will be provided for coordination to assure AF environmental concerns are addressed.

c. System Management Service (ASM) shall:

(1) Assign an APMES who shall be responsible for implementing the AFESC Program within ASM.

(2) Integrate AFESC Program and NEPA considerations into the planning and execution of the overall mission of ASM and ensure that AFESC Program requirements are considered as early as practicable in all projects and programs undertaken by ASM. This includes, but is not limited to, the revision of AF Orders for waste minimization, pollution prevention, etc.

(3) Ensure that all operations undertaken by ASM comply with applicable Federal, State, and local environmental and safety laws, rules, and regulations.

(4) Coordinate and provide guidance for environmental issues to the Regional AF Division Systems Maintenance Engineering Branch, AXX-460, and RPMES.

(5) Review all major system disposal plans to assure AF environmental concerns are addressed.

d. Regional AF Division shall:

(1) Establish an organizational structure to implement the AFESC Program within their regions, and request any funds necessary to correct environmental deficiencies.

(2) Appoint a full-time RPMES who shall be responsible for the implementation of the Regional AFESC Program.

(3) Ensure that each Sector appoints a Sector Environmental Compliance Manager (SECM).

(4) Ensure that a supplement to this order is issued to establish the AFESC Program in the region.

(5) Inform the Regional Administrator in a timely manner of all significant environmental issues in the region.

(6) Sign compliance orders, consent decrees, and interagency agreements as necessary after consultation with general and/or regional counsel.

(7) Submit an Annual Facilities Environmental Compliance Program Activities Report (RIS: 1050-1) and Order 1050.10B through the AFPMES to AAF-1 by February 1, each year.

(8) Ensure adequate resources are requested to implement the AFESC Program in the region.

(9) Ensure that all operations in the AF Division comply with applicable Federal, State, and local environmental and safety laws, rules, and regulations including, but not limited to, conducting all sampling and monitoring, providing all reports required by regulatory bodies, and considering NEPA in the development of projects.

(10) Integrate AFESC Program requirements into the planning and execution of the overall mission of the AF Division in the region and ensure that AFESC Program requirements are considered as early as practicable in all construction, operation, and other projects and programs.

(11) Ensure other regional divisions are kept informed of AF environmental issues.

(12) Curtail or suspend any operation within the AF Division that poses a substantial danger to AF employees, members of the public, or the environment and recommend such actions, as appropriate, to other division managers in the region.

(13) Establish a waste minimization program.

e. Regional AF Division Resources and Planning Branch, AXX-420, shall:

(1) Implement training programs for employees who have responsibilities in the AFESC Program.

(2) Prepare the Regional AF Division budget necessary to comply with all environmental and safety requirements with input from other AF Branches and Sectors.

(3) Request that adequate personnel resources are made available for implementing the AFESC Program.

(4) Account for all funds requested and expended for environmental projects in support of the RPMES. Participate in the development of Office of Management and Budget (OMB) Circular A-106 reports.

(5) Request that all projects include adequate funding for environmental compliance. (See Executive Order 12088 regarding funding for environmental compliance.)

f. Regional AF Division Establishment Engineering Branch, AXX-450, shall:

(1) Include the RPMES or designee as an advisor on questions related to compliance with environmental and safety requirements.

(2) Consider AFESC Program requirements as early as possible in all construction, installation, commissioning, modification, and other projects managed by the branch.

(3) Ensure that the costs for compliance with project-specific environmental and safety requirements are included in all cost estimates prepared for projects managed by the branch.

(4) Ensure applications for Federal, State, and local environmental permits and reports are prepared and submitted to the RPMES for review and records retention.

(5) Appoint an environmental compliance point of contact who shall provide advice and assistance to all Branch personnel on the implementation of the AFESC Program and on all environmental requirements.

g. Regional AF Division Systems Maintenance Engineering Branch, AXX-460, shall:

(1) Administrate and oversee the regions AF Division AFESC Program.

(2) Consider AFESC Program requirements as early as possible in all construction, installation, commissioning, modification, and other projects managed by the branch.

(3) Ensure that the costs for compliance with project-specific environmental and safety requirements are included in all cost estimates prepared for projects managed by the branch.

h. Regional Program Manager for the AFESC Program (RPMES) shall:

(1) Manage and direct the implementation of AFESC program matters in the Region and participate as a member of the AFESC Committee.

(2) Ensure that program and budget requests identify resource requirements to implement the AFESC Program in accordance with applicable laws and regulations.

(3) Conduct a program to assess and remediate all past release sites.

(4) Ensure that environmental documentation meets applicable regulatory requirements, and review such documentation prepared by the branches and sectors including, but not limited to:

(a) Applications and associated documentation for environmental permits required by Federal, State, and local regulatory bodies.

(b) Environmental monitoring and sampling plans.

(c) Project plans and specifications.

(d) NEPA documentation.

(5) Provide technical information, guidance and advice to regional organizations when requested on all aspects of environmental compliance including informing branches and sectors of new developments and requirements related to environmental issues.

(6) Participate or designate an alternate to attend Joint Acceptance Inspection (JAI) Boards convened to review projects. Serve as or designate an advisor to JAI Boards on questions related to compliance with environmental requirements.

(7) Review and submit as necessary applications to Federal, State, and local regulatory bodies for required environmental permits.

(8) Coordinate, consult, cooperate, and negotiate with Federal, State, and local authorities to assure compliance with applicable environmental laws and regulations.

(9) Submit copies of environmental notices of violations, notices of non-compliance and other similar notices to the AFPMES and the Regional Counsel within three working days of receipt.

(10) Prepare Semi-annual Pollution Abatement Plans required by OMB Circular A-106 for submission to ANS-204, through the Regional AF Division Manager for submission to AEE through AAF-1.

(11) Identify minimum training requirements to assure that all personnel in the region who are involved in the handling of hazardous materials are informed of the legal and safety requirements associated with the activities for which they are responsible. (See Appendix 3, Summary of Minimum Federal Training Requirements.)

(12) Conduct routine inspections and audits of AFESC Program activities, and participate in regional management evaluations.

(13) Participate and provide consultation on real property transfer (excess and/or acquisition) liability assessments.

i. **Sector Managers shall:**

(1) Implement the AFESC Program in the sector, in coordination with the RPMS.

(2) Appoint a SECM who shall provide advice and assistance to all sector personnel on the implementation of the AFESC Program in the sector and on all environmental requirements.

(3) Ensure applications for Federal, State, and local environmental permits and reports are prepared and submit them to the RPMES for review and records retention.

(4) Submit copies of notices of violations, notices of non-compliance and other similar notices to the RPMES within 24 hours of receipt.

(5) Prepare information as requested by the RPMES for semi-annual Pollution Abatement Plans required by OMB Circular A-106.

(6) Ensure that sector employees are trained in the legal and safety requirements associated with the activities for which they are responsible.

(7) Conduct routine inspections and audits of AFESC Program activities in the sector.

(8) Compile report information for all environmental reports as requested by the RPMES.

(9) Integrate AFESC Program considerations into the planning and execution of the overall mission of the sector and ensure that AFESC Program requirements are considered as early as practicable in all projects carried out in the sector.

(10) Ensure that all operations in the sector comply with applicable environmental requirements.

(11) Ensure that the person in charge of a facility notifies the RPMES immediately of any reportable release of a hazardous substance which occurs in the sector.

(12) Ensure that hazardous materials and hazardous waste shipping manifests are prepared and signed only by qualified personnel.

(13) Include the RPMES or designee on JAI Boards reviewing projects undertaken by AXX-450.

8. DEFINITIONS.

a. **Code of Federal Regulations (C.F.R.)** is the codification of the general and permanent rules promulgated by Federal agencies.

b. **Effluent** is any treated or untreated air emission or liquid discharge.

c. **Employees**, as used in this order, include FAA personnel only; contractor activities may impose liability on the FAA. Although contractors must comply as any other person with applicable pollution control statutes, contractor personnel are not addressed in this order.

d. **Environmental** means the sum of all external conditions affecting the life, development, and survival of an organism, including the air, land, and all forms of plant, animal, and human life.

e. **Environmental Auditing** is a systematic, documented, periodic, and objective review of facility operations and practices to identify existing or potential environmental pollution problems.

f. **Environmental Monitoring** is the collection and analysis of samples or direct measurements of environmental media. Environmental monitoring consists of two major activities, effluent monitoring and environmental surveillance.

g. **Facility** means equipment, buildings, installation, structures, land, public works, aircraft, vessels, and other vehicles and property owned, constructed, leased, or operated by the Federal government.

h. **Generator** means any person whose act or process produces hazardous waste identified or listed in 40 C.F.R. Part 261 or whose act first causes a hazardous waste to become subject to regulation. (Person as defined in 40 C.F.R. § 260.10 includes Federal agencies.)

(1) **Large-Quantity Generator** is any generator of hazardous waste that does not qualify as a small-quantity generator or a conditionally exempt small-quantity generator (i.e., produces more than 1,000 kilograms (kg) of hazardous waste in a calendar month or accumulates more than 6,000 kg of hazardous waste on site).

(2) **Small-Quantity Generator** is a generator that produces less than 1,000 kg of hazardous waste in a calendar month and never accumulates more than 6,000 kg of hazardous waste on site.

(3) **A Conditionally Exempt Small-Quantity Generator** is a generator that does not generate more than 100 kg of hazardous waste in a month.

i. **Groundwater** means water below the land surface in a zone of saturation.

j. **Hazardous Material** is any substance or material that has been determined by the Department of Transportation (DOT) to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce (49 C.F.R. Part 172, Table 172.101). This includes hazardous substances, hazardous wastes, and, for purposes of this order, petroleum products.

k. **Hazardous Substance** is any element, compound, mixture, solution, or substance defined as a hazardous substance under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and listed in 40 C.F.R. Part 302.

l. **Hazardous Waste** is any solid waste or combination of solid wastes listed in, or meeting the characteristics described in 40 C.F.R. Part 261.

m. **National Response Center (NRC)** is the operational and communications center for the 14 member agencies of the National Response Team, which provides the initial step in the Federal response mechanism. The NRC operates a national 24-hour hotline for emergency and potential emergency situations, whether natural or man-induced. The hotline number is 1-800-424-8802.

n. Natural Resources means land, fish, wildlife, biota, air, water, groundwater, drinking water supplies, and other such resources.

o. Pollution is the presence of man-made or man-induced matter or energy whose nature, location, or quantity produces, or could in the future produce, undesired effects on the earth or its inhabitants, including the air and water or plant, animal, or human life.

p. Treatment, Storage, and Disposal (TSD) facility is a facility used for the treatment, storage, and disposal of hazardous waste (40 C.F.R. Parts 264 and 265).

q. Waste Minimization means any activity that is undertaken by a generator that results in either the reduction of the quantity of hazardous waste or the reduction in toxicity of hazardous waste, including process change, product substitution, inventory control, segregation, and recycling.

9. FORMS AND REPORTS. AF region, sector and field offices having environmental responsibilities shall provide appropriate environmental information through their RPMES to AFPMES to meet FAA, DOT, EPA, and other statutory pollution-control reporting requirements. (Refer to paragraph 5 for responsibilities.) This includes, but is not limited to, the following:

a. Semi-Annual Environmental Needs Plans, as required by Executive Order 12088 and OMB Circular A-106. The plans (referred to as A-106 Plans or Reports) shall include budget estimates for environmental studies, management, monitoring, corrective actions, and necessary equipment and training to meet environmental compliance deadlines. These plans will be prepared as requested by EPA.

b. Annual Facilities Environmental Compliance Program Activities Report (RIS: 1050-1), as required by Order 1050.10B. This report is to be submitted through the AFPMES to AAF-1 by February 1, each year.

c. Other records and reports as required by specific regulatory provisions including, but not limited to, shipping manifests; biennial reports by hazardous waste generators; notifications of polychlorinated biphenyl (PCB) activity; and monitoring reports for facilities that have Clean Water Act (CWA) permits or are subject to Safe Drinking Water Act (SDWA) requirements. Chapters 3 through 16 provide general information about required reports. Facilities subject to these reporting requirements are responsible for ascertaining the specific requirements and filing the reports directly with the appropriate Federal or State agency.

10. OBJECTIVES. The objectives of AF in the implementation of this AFESC Program shall be as follows:

a. Protection of AF employees, the environment and the public, and reduction of potential liabilities are responsibilities of paramount concern and importance to AF. All activities for which AF is responsible shall recognize and reflect this concern and public trust. AF organizations shall comply with all Federal, State, and local pollution control statutes, unless specifically exempted, in the same manner and to the same degree as any other person, or entity also subject to such requirements.

b. Efforts to meet environmental obligations consistently across all AF operations and among all field organizations and programs.

c. Commitment to sound environmental management in all of its programs and at all of its facilities in order to identify and correct all present and past environmental problems before they pose a threat to the safety and health of AF employees, the quality of the environment or the public welfare.

d. Consider FAA drinking water wells for employees' public drinking water supplies.

e. Prepare written specialized instructions with regard to specific environmental pollution-control statutes to supplement AF directives.

f. Conservation of resources through such methods as material substitution, material recovery, recycling, and reuse in accordance with Federal, State, and local guidelines and regulations.

g. Where practicable, used materials (e.g., oils, solvents, antifreeze) will not be intentionally mixed or co-mingled, but will be kept segregated in separate containers that meet DOT regulations. Adequate secondary containment shall be provided when required in accordance with DOT regulations.

h. Actively pursue environmental auditing programs of all facilities to ensure the adequacy of facility operations in monitoring, achieving, and maintaining environmental compliance.

i. Retain compliance records (such as permits and permit monitoring reports, shipping manifests, and tank registrations) shall be kept indefinitely, regardless of the retention time specified in applicable statutes or regulations. These documents may be prepared by FAA contractors, but must be signed by AF employees with the exception of Environmental Due Diligence Audits (EDDA).

j. Whenever officially notified that a facility is in violation of an applicable pollution-control statute, the RPMES or designee shall promptly consult with the regulatory entity and, in coordination with General and/or Regional Counsel, initiate development of a plan to bring the facility into compliance as soon as possible.

k. AF shall provide meaningful opportunities for public participation in accordance with applicable laws in regards to the development and implementation of environmental plans.

l. Provide a proactive AF Asbestos policy designed to protect agency employees, other building occupants, and to reduce FAA liability. FAA will maintain asbestos exposures "As Low As Reasonably Achievable" (ALARA). Asbestos will be managed in place where it is in good condition, and FAA will promptly abate (remove, enclose, encapsulate, or repair) asbestos which is damaged or subject to damage through routine operations or planned renovation. FAA shall meet or exceed the established health, safety and work practice requirements mandated by applicable regulatory agencies through the implementation of an aggressive asbestos control program. Reference Chapter 13 for additional requirements.

m. AF shall minimize any use of restricted pesticides. AF employees shall not apply any pesticide or herbicide unless trained and certified by appropriate regulatory authority, i.e., Federal (FIFRA), State or local entity. Trained and certified commercial contractors shall be used for pesticide application in excess of household use.

11. CRIMINAL LIABILITY UNDER ENVIRONMENTAL LAWS.

a. The Assistant Chief Counsels in the regions are the appropriate source of information for employees seeking to understand the Federal, State, and local environmental laws and regulations.

b. Under current laws, evidence that an employee had knowledge of a violation of an environmental law and took no corrective action can warrant a criminal prosecution of the employee. Statutes which authorize criminal fines and imprisonment are described in chapters 3 through 16. These statutes include RCRA, CERCLA, the CWA, the CAA, TSCA, and the ESA. A Federal employee is potentially more vulnerable than a corporate employee to environment enforcement because sovereign immunity protects the Federal Government from criminal sanctions sought by any other party. (Note: An employee will not be defended by the U.S. Department of Justice in criminal actions. Reimbursement for attorneys' fees may be available in cases of acquittal.)

c. Under current laws, managers may be held accountable in a criminal action for knowing acquiescence in a violation by a lower level employee if the manager fails to take steps to correct the violation or to make sure that it is not repeated.

d. Employees should request the necessary resources to comply with the law. Executive Order 12088 directs Federal agencies to ensure that sufficient funds for compliance with applicable pollution control standards are requested in the agency budget.

e. Liability can be mitigated by promptly reporting non-compliance situations to a supervisor and/or to the appropriate EPA or State officials. An employee should document his or her efforts at compliance.

12. EXEMPTION PROCEDURES. Requests for exemptions, waivers, or variances from Federal, State, or local environmental requirements are not encouraged. However, in limited cases, programmatic circumstances or operational conditions may warrant such requests. Any such requests are to be made in the following manner in coordination with general and/or regional counsel.

a. From Federal Regulations or for Presidential Exemption.

(1) The Regional AF Division Manager, whose Region desires the exemption, shall coordinate with Regional Counsel to prepare the documentation required by the specific exemption procedures contained in the Federal regulation and transmit the documentation to the AFPMES.

(2) The AFPMES shall review the exemption documentation to determine whether it presents an issue that affects AF-wide compliance with environmental standards. If the issue affects AF-wide compliance, the AFPMES shall request other affected Regional AF Divisions to compile appropriate supporting documentation.

(3) AAF-1 shall approve and transmit the complete exemption documentation request to AEE-1 to determine the appropriateness of applying for the exemption and to ensure that the request and documentation are complete.

(4) The Office of Environment and Energy may request AAF-1 to prepare and submit such exemptions to the appropriate regulatory entity.

b. **From State or Local Regulations.** The Regional AF Division Manager shall coordinate with Regional Counsel to file the exemption request and documentation with the appropriate regulatory agency and send a copy of the request and documentation to the AFPMES.

13.-19. RESERVED.



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CHAPTER 2. AIRWAY FACILITIES ENVIRONMENTAL AND SAFETY COMPLIANCE COMMITTEE (AFESCC)

20. PURPOSE. This chapter establishes the Airway Facilities Environmental and Safety Compliance Committee (AFESCC). The purpose of the AFESCC is to develop AF implementation policies for environmental and safety compliance issues, technical guidance, and safe operating procedures in accordance with applicable laws and regulations for FAA activities for which AF is responsible.

21. SCOPE. The AFESCC shall address environmental and related safety compliance issues associated with activities for which AF has responsibility. The AFESCC shall provide recommendations to AAF-1 concerning policy directives and technical issues. Priorities for strategic planning and decisionmaking on operational issues will also be developed by the AFESCC.

22. ORGANIZATION. (Figure 2-1). The AFESCC operates under the auspices of AAF-1 with oversight from the AF Program Manager for Environment and Safety (AFPMES). The AFESCC combines the resources, expertise and experience of the Agency to establish a focal point for environmental and safety compliance issues. The AFESCC may draw on the resources of any Agency organization including the personnel from the Regions, Headquarters, the Technical Center and the Mike Monroney Aeronautical Center. The AFESCC shall be established in accordance with Order 1110.30B, Committee Management. See Appendix 6, Airway Facilities Environmental and Safety Compliance Committee Charter. All members of the committee shall be full-time government employees. The AFESCC Organization shall be comprised of a Steering Committee, Administrative Support, and Subcommittees, as required, and shall be structured as follows:

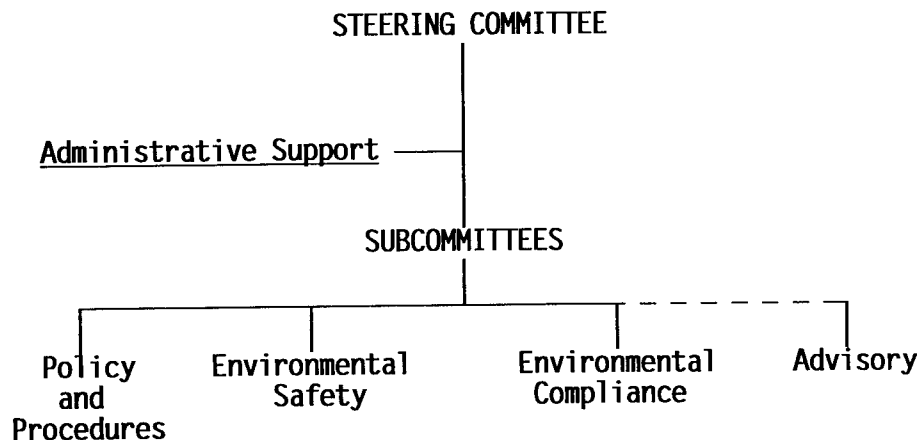


Figure 2-1. Concentrates on developing, reviewing, and recommending changes to the environmental and safety policy and the implementation of these policies/guidelines by procedures and practices.

23.-29. RESERVED.



CHAPTER 3. ENVIRONMENTAL SAFETY AND HEALTH

30. **PURPOSE.** The Office of Aviation Medicine (AAM) has primary responsibility within FAA for establishing an occupational safety and health program to ensure that workers are protected from hazards that may cause injury. However, since AAF-1 has the responsibility for assuring that AF employees involved in AF projects are not subject to unsafe or unhealthy working conditions, this chapter provides general information about applicable Federal environmental health and safety standards with which AF facilities must comply.

31. OVERVIEW.

a. Although Congress did not include Federal employees within the full coverage of the Occupational Safety and Health Act (OSHA), 29 U.S.C. 651, et seq., Section 19 of the Act directs the Secretary of Labor to cooperate and consult with the heads of Federal agencies to help them adopt safety and health programs. By Executive Order 12196, dated February 26, 1980, President Carter directed all Federal agencies to operate an occupational health and safety program in accordance with basic program elements promulgated by the Secretary of Labor and to comply with all standards issued for private employers except where the Secretary of Labor approves compliance with alternative standards.

b. In Part 1960 of Title 29 of the Code of Federal Regulations the Secretary of Labor established the basic program elements for Federal employee occupational safety and health programs. Key elements of the OSHA program which must be established in every agency are:

(1) Appointment of a Designated Agency Safety and Health Official.

(2) Budgeting for sufficient resources to implement and administer an effective occupational safety and health program.

(3) Maintenance of a workplace which is free from safety or health hazards.

(4) Compliance with OSHA standards promulgated to protect private employees.

(5) Conducting safety and health inspections with inspectors who are trained and qualified to recognize and evaluate regulated hazards in the working environment and to suggest abatement procedures.

(6) Encouraging reports by employees of safety or health hazards.

(7) Investigating accidents.

(8) Abatement of unsafe or unhealthful work conditions.

32. OCCUPATIONAL SAFETY AND HEALTH ACT (OSHA), 29 U.S.C. 651, et seq.

a. **Purpose.** The Act authorizes the Department of Labor to establish standards to protect workers from health and safety hazards in the workplace.

b. **Federal Facilities.** See discussion in paragraph 31.

c. Regulating Agency. The OSHA program for Federal employees is administered by each employing agency. Overall standards are promulgated by the Occupational Safety and Health Administration in the Department of Labor.

d. General Industry Standards. The Occupational Safety and Health Administration has promulgated two overall sets of standards which apply to FAA worker safety:

(1) Standards for general industry are contained in 29 C.F.R. Part 1910 and are applicable for all workers or, with respect to certain requirements, to workers in specific industries. These standards cover such safety considerations as proper scaffolding and ladder use, adequate egress, proper use of manlifts, control of noise and ventilation, fire protection, and sanitation. In addition, some of the general standards establish safe operating procedures for employees who handle or are exposed to hazardous and toxic substances. Various recordkeeping requirements are included in standards, depending on the activity involved.

(2) Standards for the construction industry are contained in 29 C.F.R. Part 1926 and are applicable to persons conducting construction activities. The construction industry standard covers issues similar to those discussed above for the general industry standard, and establishes personal protective equipment, respiratory protection programs, signs and barricades, proper use of tools and welding equipment and safe excavation procedures. Controls for construction workers on asbestos removal jobs which are discussed below are also included among these standards. Record-keeping requirements for certain construction industry activities mirror those for general industry but have different station numbers.

e. Air Contaminants. An employee's airborne exposure to 428 specific substances can not exceed those levels cited in 29 C.F.R. § 1910.1000(a)(4). OSHA requires skin contact be prevented or reduced to the extent possible through the use of gloves, engineering controls, work practices, coveralls, goggles, or other appropriate personal protective equipment for any chemical on the list with the skin notation. The employer must maintain accurate medical surveillance and monitoring records as prescribed for each substance regulated in this part.

f. Asbestos (Refer to chapter 13 on asbestos air contamination and 29 C.F.R. Part 1910.)

g. Other Toxic Substances OSHA has established specific regulations which provide maximum exposure limits to protect workers from specific toxic substances such as lead and benzene. 29 C.F.R. §§ 1910.1000-.1048 should be consulted for specific toxic substance limits.

h. Hazardous Waste Operations and Emergency Response. Facilities that have workers directly engaged in the investigation or remediation of hazardous substance release sites; who operate hazardous treatment, storage or disposal facilities; or who have emergency response roles associated with the potential release of hazardous substances must meet applicable standards at 29 C.F.R. § 1910.120 in accordance with the designated responsibilities of the particular response functions.

i. **Hazard Communication Requirements.** A site specific written hazard communication program must be prepared and maintained in accordance with 29 C.F.R. § 1910.1200(e) for every workplace where hazardous materials are used or stored. Hazardous materials must be labeled, tagged, or marked in accordance with 29 C.F.R. § 1910.1200(f). Material safety data sheets (MSDS) must be available in the workplace for every hazardous material used there per 29 C.F.R. § 1910.1200(g). Employers must provide employees with information and training on hazardous materials in their work area at the time of initial assignment and whenever a new hazard is introduced into the work area.

33. **ACTIONS WHICH MAY BE REQUIRED AT FAA FACILITIES.** AF facilities are to review their current and projected needs for environmental health and safety monitoring, training, and protective equipment and request guidance and assistance from the SECM as necessary.

34.-39. **RESERVED.**



CHAPTER 4. ENVIRONMENTAL RESTORATION PROGRAM

40. PURPOSE. This chapter identifies the Federal statutory and regulatory requirements applicable to the implementation of a Facilities Restoration Program by which releases of hazardous substances at FAA facilities will be assessed and remediated. Each FAA facility is required to determine whether contamination may have occurred at the facility, must report releases of hazardous substances, must comply with applicable Federal and State laws for cleanup of contaminated sites, and (if hazardous substances were stored for more than a year on-site) must disclose specific information about potential contamination when the property is excessed or transferred.

41. OVERVIEW.

a. In 1980, Congress enacted the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The purpose of CERCLA is to provide for liability, compensation, and emergency response for hazardous substances released into the environment and to require remediation of inactive hazardous waste disposal sites. CERCLA is commonly referred to as Superfund which is the trust fund that provides money for remediation of non-Federal contaminated sites. The Act has been amended several times with the most significant revisions occurring in 1986 with the Superfund Amendments and Reauthorization Act (SARA).

b. In 1984, the Resource Conservation and Recovery Act (RCRA) was amended by the Hazardous and Solid Waste Amendments (HSWA) to require the cleanup of releases of hazardous waste or hazardous constituents from waste units at active RCRA facilities used to treat, store, or dispose of hazardous waste.

c. See chapter 3 for environmental safety and health requirements related to conducting Facilities Restoration Program activities.

42. DEFINITIONS.

a. **Feasibility Study (FS)** is a study undertaken by the lead agency to develop and evaluate options for remedial action.

b. **Federal Agency Hazardous Waste Compliance Docket (Docket)** established under Section 120(c) of CERCLA, contains certain information regarding Federal facilities which manage hazardous waste or have potential hazardous waste problems.

c. **National Contingency Plan (NCP)** contains the EPA-adopted procedures for efficient, coordinated, and effective action to minimize damage from and to remediate oil and hazardous substance discharges.

d. **National Priorities List (NPL)** is the list established by EPA which includes the sites containing uncontrolled hazardous substance releases that are priorities for long-term remedial evaluation and response.

e. **Preliminary Assessment (PA)** means the review of existing information and an off-site reconnaissance, if appropriate, to determine if a release may require additional investigation or action.

f. **Record of Decision (ROD)** is a formal document issued by the EPA to announce and explain its selection from among the remedial alternatives discussed in the remedial investigation/feasibility study report for a CERCLA site.

g. **Remedial Action (RA)** means those actions consistent with permanent remedy taken instead of, or in addition to, removal action in the event of a release or threatened release of a hazardous substance into the environment.

h. **Remedial Investigation (RI)** is the CERCLA process of determining the extent of hazardous substance contamination and, as appropriate, conducting treatability investigations. The RI provides the site specific information for the feasibility study.

i. **Remedial Investigation/Feasibility Study (RI/FS)** is a complete study of the hazardous waste on a site and alternatives to cleaning up the site. This study follows a preliminary assessment and presents all of the best technology alternatives to cleaning the site.

j. **Removal** (or interim removal), with regard to site restoration, means the cleanup of released hazardous substances from the environment, such other actions as may be necessary to minimize damage to the public or the environment from a release, or the assessment and evaluation of releases.

k. **Site Inspection (SI)** the process under CERCLA to acquire the necessary data to confirm the existence of environmental contamination at identified potential sites and to assess the associated potential risks to human health, welfare, and the environment. The data collected at each site must be sufficient to support the decision for either continuing with a remedial investigation/feasibility study or for removing the site from further investigation through a decision document.

1. Potentially Responsible Party (PRP):

(1) A person, including a Federal agency, who contributed to contamination at a site, is potentially liable for the costs of remediation regardless of whether the person has only current ownership or other legal interest in the property.

(2) Pursuant to Section 107 of CERCLA, liability is strict, joint, and several. Liability is strict in that it exists without regard to fault. Joint and several means that each of the liable parties at a Superfund site are liable for the entire cost of cleanup, so long as the harm a party caused is indivisible from that caused by other liable parties. In addition to liability for response costs, parties who violate CERCLA requirements may be liable for civil penalties pursuant to Section 109 of the Act. Penalties of up to \$25,000 per day may be assessed if parties fail to comply with the requirements.

43. COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT (CERCLA), 42 U.S.C. 9601, et seq.

a. **Purpose.** For site restoration, CERCLA requires that:

(1) Federal facilities must assess properties which are owned or operated with suspected contamination to determine if there is indeed a basis to consider them potentially contaminated.

(2) Federal facilities submit data in the inventory of hazardous waste facilities required to be submitted under Section 3016 of RCRA about the contamination resulting from activities at each facility (42 U.S.C. 9620(b)).

(3) Preliminary assessments are conducted at every contaminated site on the Docket in accordance with the NCP and that the EPA place a facility on the NPL if the facility meets the criteria (42 U.S.C. 9620(d)).

(4) Federal agencies conduct a RI and FS for any site listed on the NPL and enter into an interagency agreement with EPA regarding remedial action to be taken at the site (42 U.S.C. 9620(e)).

(5) Federal facilities comply with State laws concerning removal and remedial action for contaminated sites which are not included on the NPL (42 U.S.C. 9620(f)).

(6) When Federal facilities enter into a contract for the sale or transfer of real property on which a hazardous substance has been stored for more than one year or on which a hazardous substance was known to have been released or disposed, the agency must provide certain data in the deed about the potential contamination (42 U.S.C. 9620(h)).

(7) Any person in charge of a facility from which a release of hazardous substances in excess of certain reportable quantities has occurred must immediately notify the National Response Center (42 U.S.C. 9603).

(8) Any person, including the Federal government, who potentially contributed to a release of a hazardous substance at any site may be liable for the costs of remediation as a PRP (42 U.S.C. 9622).

b. Federal Facilities. Section 120 of CERCLA generally makes all procedural and substantive requirements "applicable to facilities which are owned or operated by a department, agency, or instrumentality of the United States"....

c. Regulating Agency. For FAA facilities, the EPA has the authority to maintain a Docket containing the names of contaminated sites, conduct a PA at those sites, list any priority sites on the NPL, and issue the record of decision selecting a RA for the NPL sites. The FAA must conduct the RI and remediate the site in accordance with the ROD and interagency agreement. For sites that are not listed on the NPL, the FAA is authorized under Executive Order 12580 to undertake all CERCLA actions.

d. Investigation and Remediation Process for Federal Facilities which have been placed on the Docket:

(1) **Requirements.** Pursuant to Section 120(a)(4) of CERCLA, removals and remedial actions taken at Federal facilities which are not on the NPL must be undertaken in accordance with State laws concerning removal and remedial action.

(2) **Actions Which May be Required by FAA Facilities.**

(a) Conduct a survey to determine whether any releases of hazardous substances have occurred at the facilities.

(b) Notify the EPA of any reportable releases for inclusion on the Docket.

(c) Conduct a preliminary assessment within 18 months of a facility being listed on the Docket to determine whether the release needs further investigation.

(d) Ascertain whether any State laws or regulations apply to the investigation and/or remediation of the release.

(e) If further investigation is required, conduct a remedial investigation/feasibility study in accordance with the NCP or State law.

(f) Select a remedy and remediate the site in accordance with the NCP or State law.

(g) Establish, compile, and maintain an administrative record in accordance with the NCP or State law.

e. Investigation and Remediation Process for Federal Facilities on the NPL. Requirements:

(1) FAA must conduct a PA for every Federal facility which is placed on the Docket. The PA must be accomplished within 18 months of a facility having been listed on the Docket. The purpose of the PA is to determine whether releases of hazardous substances need further investigation (40 C.F.R. § 300.420). EPA evaluates the PA information to determine qualification on the NPL.

(2) If the site is placed on the NPL, the Federal facility must conduct a Remedial Investigation/Feasibility Study (RI/FS).

(3) Within 180 days after the results of the RI/FS have been provided to and reviewed by the EPA, the EPA and the head of the Federal agency who has authority over the subject Federal facility shall enter into an interagency agreement providing for the remediation of the site.

(4) At any time after the discovery of the release, the FAA may take removal action which may include cleanup of the site, to mitigate the threat of damage to the public or the environment (40 C.F.R. Parts 300-415). Some of the facts that must be considered in determining the appropriateness of a removal action include, but are not limited to:

(a) Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances.

(b) Actual or potential contamination of drinking water supplies.

(c) Threat of fire or explosion.

(5) After completion of the RI/FS, the EPA shall also prepare and publish a ROD in which it announces and explains its selection of a remedial alternative.

(6) The Federal facility shall, in accordance with the NCP and any interagency agreement requirements, establish, compile, and maintain an administrative record that contains the documents that form the basis for the selection of the response action.

(7) The EPA and the Federal facility must provide for public participation as provided by Section 117 of CERCLA and the NCP including allowing for written comments, the opportunity for a public meeting on the proposed plan for remedial action, and public access to the administrative record.

(8) Upon selection of a remedy, the Federal agency must undertake remedial design/ remedial action (RD/RA) to design and implement the selected remedy (40 C.F.R. § 300.435).

(9) In addition, implementation of a removal action must involve public participation including a comment period (40 C.F.R. § 300.415(m)).

f. Excess, Acquisition (Transfer) of Real Property:

(1) Requirements.

(a) When FAA enters into a contract for the sale, termination of lease, transfer of lease, or any other transaction involving real property which is owned or leased by the U.S., including transfers to other Federal agencies, on which a hazardous substance was stored for one year or more, was known to have been released, or was disposed, a notice containing the following information must be placed in the contract document:

1. Name of the hazardous substance.
2. Chemical Abstracts Services Registry Number, where applicable.
3. Regulatory synonym as listed in 40 C.F.R. § 302.4, where applicable.
4. RCRA hazardous waste number specified in 40 C.F.R. § 261.30, where applicable.
5. Quantity in kilograms (kg) and pounds of the hazardous substance that has been stored for one year or more, or known to have been released, or disposed of, on the property.
6. Date(s) that such storage, release, or disposal took place.
7. Statement, prominently displayed that "the information contained in this notice is required under the authority of regulations promulgated under Section 120(h) of CERCLA (or "Superfund"), 42 U.S.C. Section 9620(h), (40 C.F.R. Part 373).

(b) Because owners or operators of property contaminated with a hazardous substance are liable for remediation costs regardless of fault, in order to minimize liability, facilities that purchase or transfer real property will be required to perform reasonable surveys to ascertain whether and to what extent the property is contaminated.

(2) Procedure.

(a) The notice in the contract document required when storage of a hazardous substance is involved applies only when the storage was for one year or more and when the hazardous substances are being or have been stored in quantities greater than or equal to 1,000 kg or the CERCLA reportable quantity listed in 40 C.F.R. § 302.4, whichever is greater. However, substances listed in 40 C.F.R. § 261.30 as "acutely hazardous wastes" which are stored for one year or more are subject to the notice requirements when stored in quantities greater than or equal to one kg. The notice required when known releases are involved applies only when the hazardous substance(s) are or have been released in quantities greater than or equal to the CERCLA reportable quantities.

(b) The required information must be provided to the extent it is available based on a complete search of agency files.

(c) When excessing real property through the General Services Administration, FAA facilities must follow the guidance contained in Amendment H-180 of the Federal Property Management Regulations dated March 14, 1991 which implements 40 C.F.R. Part 373.

(d) Internal FAA procedures concerning environmental audits required prior to the purchase or disposal of real property are currently being written. The interim FAA policy should be followed in the meantime.

g. Reporting of Releases. The requirements applicable to the reporting of releases of hazardous substances under CERCLA are discussed in chapter 7, Emergency Spill Response.

44. RESOURCE CONSERVATION AND RECOVERY ACT, 42 U.S.C. 6901, et seq. See chapter 12 on corrective action under RCRA.

45. CONCURRENT APPLICABILITY. Federal sites listed on the NPL under CERCLA and also subject to RCRA coverage must comply with the provisions of both statutes. In most instances, the terms of the CERCLA interagency agreement and/or corrective action requirements imposed by the RCRA permit will control the process and regulatory oversight applicable to the site in the event of such concurrent jurisdiction.

46. ACTIONS WHICH MAY BE REQUIRED AT FAA FACILITIES.

a. For Sites Listed on the NPL under CERCLA.

(1) Submit data to the EPA for inclusion in the Federal agency Docket regarding contamination resulting from activities at each facility.

(2) Conduct a remedial investigation/feasibility study for any FAA site listed on the NPL, obtain approval from the EPA to proceed with a selected remedial action, and clean up the site.

b. For Sites Not Listed on the NPL:

(1) Conduct a survey to determine whether any releases of hazardous substances have occurred at the facilities.

(2) Notify EPA of any reportable releases for inclusion on the Docket.

(3) Conduct a preliminary assessment to determine whether the release needs further investigation.

(4) Ascertain whether any State laws or regulations apply to the investigation and/or remediation of the release.

(5) Conduct a remedial investigation/feasibility study in accordance with the NCP or State law if further investigation is required.

(6) Select a remedy and remediate the site in accordance with the NCP or State law.

c. For Real Property Excess or Acquisition. Ensure appropriate disclosure statements and information are included in the contract documents. Perform reasonable surveys or investigations to determine whether property to be acquired poses an environmental liability to FAA.

d. If FAA is Identified as a Potentially Responsible Party. When notified by the EPA or another party that the FAA may be a PRP at a contaminated site, conduct a factual and historical review of the records and/or interviews with persons with potential knowledge of the facts in order to ascertain whether FAA may have contributed to the contamination.

(1) After consultation with the Office of the Chief Counsel or Regional Counsel, respond to EPA or the other party(ies) in a timely manner in accordance with the facts.

(2) If necessary after the initial response is made, the Office of the Chief Counsel or Regional Counsel will direct the collection of additional facts and negotiate a legally binding agreement with the EPA and other PRPs.

e. For Sites to be Remediated under RCRA. When required by EPA, conduct a RCRA Facility Investigation (RFI), Corrective Measure Study (CMS), and implement corrective actions for cleanup of contaminated sites.

47.-49. RESERVED.



CHAPTER 5. ENVIRONMENTAL IMPACT ANALYSIS

50. PURPOSE. This chapter identifies the applicable Federal statutory and regulatory requirements that mandate the evaluation of environmental impacts of proposed FAA activities. Under the National Environmental Policy Act (NEPA), FAA is required to conduct environmental assessments to consider environmental consequences of FAA actions and activities.

51. OVERVIEW. NEPA declares a national environmental policy to "use all practicable means" to conduct Federal activities in a way that will promote the "general welfare", be in "harmony" with the environment and fulfill social, economic and other requirements of present and future generations. To accomplish this, NEPA has two primary objectives:

- a. To require careful consideration by each Federal agency of potentially significant environmental impacts of agency action, and
- b. To provide meaningful opportunity for public participation in reaching a decision about such an action.

52. DEFINITIONS.

a. **Categorical Exclusion (CE)** is a category of actions that do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a Federal agency in implementation of Council on Environmental Quality (CEQ) regulations (40 C.F.R. § 1507.3) for which, therefore, neither an environmental assessment (EA) nor an environmental impact statement (EIS) is required (Order 1050.1D Paragraph 31).

b. **Environmental Assessment (EA)** is a document that assesses whether a proposed action is a "major Federal action significantly affecting the quality of the human environment" and serves as the basis for determining whether to prepare an EIS or a Finding of No Significant Impact (FONSI).

c. **Environmental Impact Statement (EIS)** is a document prepared in accordance with the requirements of Section 102(2)(C) of NEPA, the CEQ Regulations, and Order 1050.1D. This document provides data on the environmental impact, adverse environmental effects and alternatives of the proposed action, an analysis of short-term uses and long-term productivity, and any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

d. **Finding of No Significant Impact (FONSI)** is a document prepared by a Federal agency briefly presenting the reasons why an action, not otherwise excluded, will not have a significant effect on the human environment and why an EIS therefore will not be prepared. The FONSI is attached on top of the EA, includes a summary of the EA, and must note any other applicable related environmental documents.

e. **Mitigation is a Process Carried Out in the Following Priority.**

(1) Avoiding the impact altogether by not taking a certain action or parts of an action.

(2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

(3) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.

(4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

(5) Compensating for the impact by replacing or providing substitute resources or environments.

f. **Notice of Intent (NOI)** is a notice that an EIS will be prepared and considered.

g. **Record of Decision (ROD)** is a document prepared in accordance with the requirements of 40 C.F.R. § 1505.2, that provides a concise public record of the agency's decision on a proposed action for which an EIS was prepared, and identifies the alternatives considered in reaching the decision, the environmental preferable alternative(s), factors balanced by the agency in making the decision, whether all practicable means to avoid or minimize harm have been adopted, and if not, why they were not.

53. **NATIONAL ENVIRONMENTAL POLICY ACT (NEPA), 42 U.S.C. 4321 et seq.**

a. **Federal Facilities.** NEPA applies to Federal agencies, and requires that individual agencies adopt substantive procedures for complying with NEPA and for supplementing regulations promulgated by the Council on Environmental Quality (CEQ).

b. **Regulating Agency.** Council on Environmental Quality.

c. **Exclusions.** Categorical exclusions from the requirement for an EA or an EIS for proposed FAA actions are specified in Order 1050.1D Paragraph 31 and Appendix 4.

d. **Extraordinary Circumstances.** Proposed Federal actions, normally categorically excluded, that have any of the characteristics listed in Order 1050.1D Paragraph 32 shall be the subject of an EA.

e. **Requirements.** (40 C.F.R. Parts 1500-1517)

(1) The Federal agency must determine if the proposed action is normally categorically excluded and whether there are extraordinary circumstances warranting an environmental assessment (EA).

(2) If the action is not normally categorically excluded or if extraordinary circumstances exist, the Federal agency must prepare an EA to determine whether a proposed action requires an EIS. If the EA determines that the proposed project is not a major Federal action significantly affecting the environment, the Federal agency must issue a FONSI explaining the reasons why an EIS is not necessary. The EA is intended to be a concise public document that:

(a) Briefly provides sufficient evidence and analysis for determining whether to prepare an EIS or a FONSI.

(b) Aids an agency's compliance with NEPA when no EIS is necessary.

(c) Facilitates preparation of an EIS when one is necessary.

(d) Briefly discusses the need for the proposal, discusses alternatives as required by NEPA section 102(2)(E), and provides a listing of agencies and persons consulted.

(3) If an EIS is required, it must be a detailed written statement as required by NEPA section 102(2)(C). Each EIS must address the following issue areas:

(a) The environmental impact of the proposed action (e.g., direct, indirect, individual and cumulative impacts) and possible mitigation measures;

(b) Any adverse environmental effects which cannot be avoided should the proposal be implemented;

(c) Alternatives to the proposed action (e.g., No Action, other reasonable courses of action) and possible mitigation measures;

(d) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(e) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

54. ACTIONS WHICH MAY BE REQUIRED AT FAA FACILITIES. For all projects, determine whether there are proposed Federal actions that are normally categorically excluded or extraordinary circumstances exist which exempt the project from NEPA requirements. If the action or project is not normally excluded, or if it is normally excluded, but extraordinary circumstances exist, then an EA should be conducted. As indicated by the findings of the EA, prepare and issue a FONSI or EIS, as appropriate. See Appendix 4, Categorical Exclusions/Extraordinary Circumstances, of this order for additional information.

55.-59. RESERVED.



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CHAPTER 6. EMERGENCY PLANNING AND PREPAREDNESS

60. PURPOSE. This chapter identifies the applicable Federal requirements which mandate conducting emergency planning to ensure appropriate response to a release of a hazardous substance. Specific emergency planning requirements for permitted facilities which store hazardous wastes (RCRA contingency plans), or which store quantities of oil spill prevention control and countermeasures (SPCC plans), must be met by FAA facilities. In addition, FAA's policy is to comply to the greatest extent practicable with "Community Right-to-Know" provisions requiring preparation of hazardous materials inventories, availability of material safety data sheets, and notification of State and local agencies for releases.

61. OVERVIEW.

a. The 1986 amendments to CERCLA known as SARA, created the Emergency Planning and Community Right-to-Know Act (EPCRA) under Title III of SARA. EPCRA established requirements for Federal, State, local governments, and industry regarding emergency planning and "community right to know" reporting on hazardous and toxic chemicals. Building upon EPA's Chemical Emergency Preparedness Program (CEPP) and numerous State and local programs, the Act is designed to help communities better meet their responsibility in regard to potential chemical emergencies and to help increase the public's knowledge and access to information about hazardous chemicals in their communities and the release of these chemicals into the environment.

b. Under RCRA, facilities which treat, store, or dispose of hazardous waste or generators which accumulate hazardous waste above certain threshold quantities must be prepared for emergencies.

c. Under the CWA, owners or operators of onshore and offshore facilities from which a release of a harmful quantity of oil could reasonably be expected to occur must prepare a spill prevention control and countermeasure plan in order to minimize the risk that a spill will occur.

d. See chapter 16 for SPCC plan requirements regarding fuel storage tanks.

62. DEFINITIONS.

a. **CERCLA Site** is a piece of property which has had hazardous waste deposited on it through either disposal or leakage.

b. **De Minimis** concentrations of a toxic chemical are concentrations that are exempt from reporting requirements. If the concentration is less than 1 percent of the mixture or its concentration is less than 0.1 percent of the mixture when the chemical is carcinogenic as defined by OSHA.

c. **Emergency Planning District (EPD)** means a district designated by the State Emergency Response Commission (SERC) that facilitates preparation and implementation of emergency plans.

d. **Extremely Hazardous Substance (EHS)** means a substance on the list described in Section 302(a)(2) of EPCRA.

e. **Local Emergency Planning Committees (LEPC)** are committees appointed by the SERC for each EPD, and are comprised of representatives of the following organizations: elected State and local officials; law enforcement, civil defense, firefighting, first aid, health, local environmental, hospital, and transportation personnel; broadcast and print media; community groups; and owners and operators of facilities subject to the requirements of EPCRA.

f. **Material Safety Data Sheet (MSDS)** means the sheet required to be developed under 29 C.F.R. § 1901.1200(g).

g. **Release** means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles) of any hazardous chemical, extremely hazardous substance, or toxic chemical.

h. **Standard Industrial Classification (SIC)** codes for the purposes of EPCRA. A facility must report chemical releases if it conducts operations under SIC codes 20 through 39.

i. **State Emergency Response Commission, (SERC)** means a Commission established by the Governor, which appoints local emergency planning committees and establishes procedures for receiving and processing requests from the public for information of plans, data sheets, and followup notices.

j. **Thresholds** are amounts of chemicals that trigger reporting requirements if used during the calendar year.

k. **Threshold Planning Quantities (TPQ)** are quantities established for each substance on the EHS list.

63. EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA), 42 U.S.C. 11001, et seq.

a. **Purpose.** EPCRA has four major sections:

- (1) Emergency planning.
- (2) Emergency release notification.
- (3) Community right-to-know reporting requirements.
- (4) Toxic chemical release inventory.

b. **Federal Facilities.** EPA has encouraged Federal agencies to comply with EPCRA to the extent practicable and the 1988 DOT Memorandum requires compliance with the following provisions of EPCRA:

- (1) With respect to EHS, determine the presence of all EHS at FAA facilities, and comply with applicable provisions of EPCRA.
- (2) Notify SEPC's and LEPC's of releases of EHS and all CERCLA sites.
- (3) Submit MSDS's required by EPCRA.

(4) The DOT memorandum also requires compliance with more stringent State and/or local EPCRA requirements thus requiring local additional investigation.

c. **Regulating Agency.** Except for States that have their own EPCRA regulations, U.S. EPA is the regulating agency.

d. **Emergency Planning Requirements.** Section 301 of EPCRA requires the Governor of each State to designate a SERC which designates local EPD's and appoints LEPC's for each district. Facilities which have present an amount of an EHS equal to or greater than the TPQ for that substance must designate a facility representative to participate in the LEPC planning process and must provide information, as requested, to the LEPC for development of the local plan (40 C.F.R. § 355.30).

e. **Emergency Notification.** Pursuant to Section 304 of the Act, facilities must immediately notify the LEPC's and the SERC's likely to be affected if there is a release into the environment of a listed hazardous substance that exceeds the reportable quantity for that substance. Chapter 7 provides further details about this requirement and defines the term "reportable quantity."

64. RESOURCE CONSERVATION AND RECOVERY ACT, 42 U.S.C. 6901, et seq.

a. **Large-Quantity Generator Requirements.** Facilities which treat, store, or dispose of RCRA hazardous wastes and generators who generate more than 1,000 kg/month or accumulate more than 6,000 kg of RCRA hazardous wastes at any one time, in addition to other requirements, must:

(1) Be designed and operated to minimize the possibility of an emergency release of hazardous material that could threaten the human health or environment (40 C.F.R. § 265.31).

(2) Have emergency response equipment such as fire extinguishers and alarm systems available (40 C.F.R. § 265.32).

(3) Have prepared a contingency plan pursuant to 40 C.F.R. §§ 265.50-.56.

(4) Report releases, fires, and explosions to the required EPA regional administrator and note them in the operating record as specified in 40 C.F.R. § 265.56 (see chapter 12 for a further discussion of RCRA requirements).

b. **Small-Quantity Generator Requirement.** Facilities which generate more than 100 kg but less than 1,000 kg of hazardous waste per month and accumulate less than 6,000 kg of hazardous waste on site must:

(1) Be designed and operated to minimize the possibility of emergency (40 C.F.R. §§ 265.30-.37).

(2) Have specific equipment such as fire extinguishers and alarm systems (40 C.F.R. § 265.32).

(3) Have on premises or on call at all times an employee with responsibility for coordinating emergency response measures (40 C.F.R. § 262.34).

(4) Post the name and phone number of emergency coordinator, location of fire extinguishers and spill control material, and telephone number of fire department (40 C.F.R. § 262.34).

65. CLEAN WATER ACT, 33 U.S.C. 1251, et seq., REQUIREMENTS. Owners or operators of facilities from which a release of a harmful quantity of oil could reasonably be expected to occur must prepare a SPCC plan in accordance with the guidelines set forth in 40 C.F.R. § 112.7. See chapter 16 for a further discussion of SPCC requirements.

66. ACTIONS WHICH MAY BE REQUIRED AT FAA FACILITIES.

a. Inventory hazardous materials at the facility, noting quantity and location of each and which are EHS.

b. Submit MSDS's for hazardous materials located at the facility in reportable quantities to comply with additional reporting requirements for EHS to the LEPC, SEPC, and local fire department.

c. Ensure that applicable design requirements are met, that appropriate emergency equipment is provided, and that a current written contingency plan is prepared for any site which stores or treats hazardous wastes.

d. Notify the National Response Center, SEPC, and LEPC of any reportable release of a hazardous substance.

e. Some states have additional reporting requirements. Check with the RPMES for specific requirements.

67.-69. RESERVED.

CHAPTER 7. EMERGENCY SPILL RESPONSE

70. PURPOSE. This chapter identifies the Federal laws and regulations applicable to reporting and responding to emergency spills and releases of hazardous substances from FAA facilities. These requirements apply to spills of hazardous substances to land and to water, e.g., tipping over a drum of waste solvents outside of a secondary containment area, or discovery of hazardous materials spilled or dumped on FAA property by others ("midnight dumping"). Note that many States have broader definitions of "hazardous substances" than EPA (e.g., they often specifically include waste oils). It is recommended that the RPMES be consulted for State requirements which are in addition to the Federal requirements discussed below.

71. OVERVIEW.

a. The Clean Water Act (CWA) requires the owners and operators of facilities which discharge oil or hazardous substances into navigable waters to report the spill and take appropriate action to respond to the spill.

b. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) requires reporting of releases of a hazardous substance in excess of certain reportable quantities.

c. The Emergency Planning and Community Right-to-Know Act (EPCRA) requires the notification of local emergency personnel in the event of a release of quantities of hazardous substances above certain levels.

d. See chapter 16 for SPCC plan requirements regarding fuel storage tanks.

e. See chapter 11 for additional requirements applicable to spills of hazardous materials during transportation and emergency response thereto.

72. DEFINITIONS.

a. **Applicable Water Quality Standards** means State water quality standards adopted by the State or promulgated by EPA pursuant to Section 303 of the CWA.

b. **Discharge** includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping, but excludes:

(1) Discharges in compliance with a National Pollutant Discharge Elimination System (NPDES) permit.

(2) Discharges resulting from circumstances identified and reviewed and made a part of the public record with respect to a NPDES permit and subject to a condition in such permit.

(3) Continuous or anticipated intermittent discharges from a point source, identified in a NPDES permit or permit application, that are caused by events occurring within the scope of relevant operating or treatment systems.

c. **Federally Permitted Releases** are those releases which are allowed under permit programs established by Federal environmental law. (42 U.S.C. 9601(10)).

d. **Oil** means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

e. **Onshore Facility** means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under any land or non-navigable waters within the United States.

f. **Public Vessel** means a vessel owned or bareboat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce.

g. **Reportable Quantities** (RQ) of hazardous substances under the CWA are those substances and quantities listed 40 C.F.R. Part 117, Table 117.3. Reportable quantities of hazardous substances under CERCLA are those substances and quantities listed in 40 C.F.R. Part 302, Table 302.4; or, for substances not listed in the Table, 100 pounds.

h. **Vessel** means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel.

73. CLEAN WATER ACT, 33 U.S.C. 1251, et seq.

a. Requirements.

(1) Any person in charge of a vessel or an onshore or offshore facility must immediately notify the appropriate Federal agency as described in d below (40 C.F.R. § 117.21), as soon as he or she has knowledge of any discharge into water of a designated hazardous substance from such vessel or facility in quantities equal to or exceeding (in any 24-hour period) the EPA-established CWA reportable quantity.

(2) Any person in charge of a vessel or an onshore or offshore facility shall, immediately notify the agency described below, as soon as he or she has knowledge of any discharge of oil from such vessel or facility in violation of 40 C.F.R. § 110.6. Spills that must be reported are discharges of oil into navigable waters or into or beyond the contiguous zone which violate applicable water quality standards or cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines, or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. (40 C.F.R. § 110.10).

b. **Federal Facilities.** Section 313(a) of the CWA requires each Federal agency to comply with all substantive and procedural Federal, state, and local requirements, administrative authority and process, and sanctions respecting the control and abatement of water pollution in the same manner and to the same extent as any nongovernmental entity.

c. **Regulating Agency.** The Coast Guard administers the reporting and response provisions.

d. Notice. Reports of discharges of oil or a hazardous substance are to be made to the:

National Response Center (NRC)
U.S. Coast Guard
2100 Second Street SW
Washington, DC 20593
800-424-8802

(1) If direct reporting to the NRC is not practicable, reports may be made to the Coast Guard or EPA designated On-scene Coordinator (OSC) for the geographic area where the discharge has occurred. OSCs may be ascertained by contacting the appropriate EPA or Coast Guard office listed in Table 1 of 33 C.F.R. § 153.203.

(2) If it is not possible to notify the NRC or the OSC immediately, reports may be made to the nearest Coast Guard unit, provided the person in charge of the vessel or facility notifies the NRC as soon as possible.

e. Time. Reports are to be made immediately upon knowledge of the discharge (33 C.F.R. § 153.203).

f. Procedure for Response.

(1) All responses to notices of discharges shall be made in accordance with the NCP, 40 C.F.R. Part 300. Upon notification of a discharge, the NRC notifies the appropriate OSC who shall coordinate and direct Federal responses in accordance with the NCP.

(2) For releases from FAA facilities which are not emergencies, the FAA shall provide the OSC for all removal actions.

(3) Documentation shall be collected and maintained to support all actions taken under the CWA and to follow the basis for cost recovery. Appropriate documentation shall be collected for scientific understanding of the environment and for the research and development of improved response and technology. The OSC shall ensure necessary collection and safeguarding of information, samples, and reports (40 C.F.R. § 300.315).

g. Enforcement.

(1) Failure to report a discharge of oil or a reportable quantity of a hazardous substance is punishable by criminal penalties of a fine of not more than \$10,000 or imprisonment for not more than one year, or both.

(2) Civil penalties in an amount up to \$5,000 per violation may be assessed against any person who discharges a hazardous substance in excess of reportable quantities.

**74. COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA),
42 U.S.C. 9601, et seq.**

a. Requirements.

(1) Any person in charge of a vessel or facility (including motor vehicles) shall, as soon as he or she has knowledge of any release to any medium of a hazardous substance from such vessel or facility in a quantity equal to or exceeding the CERCLA reportable quantity (RQ), immediately notify the:

National Response Center (NRC)
Washington, DC
800-424-8802

(2) Releases of mixtures or solutions containing hazardous substances must be reported if any released substance equals or exceeds the RQ; or, if the released quantity is unknown, the total amount of the released mixture or solution equals or exceeds the RQ for the hazardous substance with the lowest RQ.

b. Federal Facilities Section 120 of CERCLA makes all requirements "applicable to facilities which are owned or operated by a department, agency, or instrumentality of the United States"...

c. Regulating Agency U.S. Environmental Protection Agency.

d. CERCLA Exceptions reporting is not required for certain types of releases, including:

(1) Certain releases of radionuclides (40 C.F.R. §§ 302.6(c)-(d)).

(2) The application of pesticides registered under the Federal Insecticide, Fungicide and Rodenticide Act (40 C.F.R. § 302.7(c)). Reporting under 40 C.F.R. § 171.4(c)(9) is required.

(3) Federally permitted releases (40 C.F.R. § 302.6) may require special reports.

e. Time. Reports are to be made immediately upon knowledge of the discharge (40 C.F.R. § 302.6).

f. Procedure for Response. Same as for the CWA (see above).

g. Enforcement. Criminal penalties may be assessed for failure to report a discharge. Penalties may include a fine or imprisonment for not more than three years (five years for a second offense), or both.

75. EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA), 42 U.S.C. 11001, et seq.

a. **Requirements.** Pursuant to Section 304 of the Act and a memorandum from the U.S. DOT Director of the Office of Administrative Services and Property Management, facilities must immediately notify the local Emergency Planning Committees (LEPC) and the State Emergency Response Commissions (SERC) likely to be affected if there is a release into the environment of a listed hazardous substance that exceeds the reportable quantity for that substance. (The substances subject to this requirement are those listed either under 40 C.F.R. Part 355 or on a list of over 725 substances subject to the emergency notification requirements under CERCLA 103(a) as shown in 40 C.F.R. § 302.4.)

b. **Cross References.** See chapter 6 for further details about EPCRA and its applicability to FAA facilities.

c. **Procedure.**

(1) Initial notification can be made by telephone, radio, or in person. Emergency notification requirements involving transportation incidents can be met by dialing 911. The emergency notification needs to include:

(a) The chemical name.

(b) An indication of whether the substance is extremely hazardous.

(c) An estimate of the quantity released into the environment.

(d) The time and duration of the release.

(e) Whether the substance was released into air, water, and/or land.

(f) Any known or anticipated acute or chronic health risks associated with the emergency, and where necessary, advice regarding medical attention for exposed individuals.

(g) Proper precautions, such as evacuation.

(h) Name and telephone number of contact person.

(2) Section 304 of the EPCRA also requires a written follow-up emergency notice after the release (40 C.F.R. § 355.40(b)(3)).

76. ACTIONS WHICH MAY BE REQUIRED AT FAA FACILITIES.

a. When in doubt, report spills immediately to the SECM, RPMES, and NRC.

b. Review on-site emergency response capabilities (note that OSHA requires special training for response to emergencies involving hazardous substances), and ensure that appropriate FAA personnel, contractor personnel, and equipment are available for the type and quantities of hazardous substances handled at each FAA facility.

c. Assure that hazardous materials offered or accepted for, or otherwise handled during, transportation are properly marked, labelled, and placarded, and accompanied by appropriate shipping papers containing required emergency response information in accordance with 49 C.F.R. Parts 171-177.

77.-79. RESERVED.

CHAPTER 8. AIR

80. PURPOSE. This chapter identifies all applicable Federal laws and regulations which protect the air from pollution caused by FAA facilities. These requirements impact FAA facilities which have air emissions, e.g., from boilers, or which use Chlorofluorocarbons (CFC) (e.g., refrigerants in chillers, refrigerators, freezers, or building or vehicle air conditioners), or which use halon fire protection systems or extinguishers.

81. OVERVIEW.

a. In 1970, Congress enacted the CAA. The Act has been amended several times. Sixteen new titles were added in 1977, and extensive revisions were made in 1990 and 1992. The purpose of the CAA is "to protect and enhance the quality of the nation's air resources so as to promote the public health and welfare...of its population"...

b. In 1988, when Congress amended the Toxic Substances Control Act (TSCA), it created the Indoor Radon Abatement Act under Title III of TSCA. Title III was designed to assure that air within buildings in the United States is as free from radon as the ambient air outside of buildings.

c. See chapter 3 for environmental safety and health requirements related to air contaminants in the workplace.

82. DEFINITIONS.

a. **Appliance** is any device which contains and uses a Class I or II substance as a refrigerant and which is used for household or commercial purposes including any air conditioner, refrigerator, chiller, or freezer.

b. **Class I Substances** include CFC's, halons, carbon tetrachloride, methyl chloroform, and all isomers of these substances, with the exception of 1,1,2-trichloroethane.

c. **Class II Substances** include hydrochlorofluorocarbons (HCFC), and all their isomers. These are chemicals that are believed to be less damaging to the ozone layer.

d. **Demolition** means the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operation.

e. **Emission Standards** are conditions or requirements established under any provision of the Act to control or prevent air pollution.

f. **Friable Asbestos Materials** means any material containing more than one percent asbestos by weight that hand pressure can crumble, pulverize, or reduce to powder when dry.

g. **Radon** means the radioactive gaseous element and its short-lived decay products produced by the radioactive decay of the element radium occurring in the air, water, soil, or other media.

h. **Refrigerant** is any substance used for heat transfer in a refrigeration heat pump system.

i. **Removal** means to take out friable asbestos containing materials from any facility.

83. CLEAN AIR ACT (CAA), 42 U.S.C. 7401 et seq.

a. Purpose.

(1) The CAA contains many provisions for the control of air pollution including National Ambient Air Quality Standards (NAAQS), National Emission Standards for Hazardous Air Pollutants (NESHAP) as amended to incorporate the 1990 revised Section 112 Air Toxics Provisions, New Source Performance Standards (NSPS), Prevention of Significant Deterioration (PSD) Standards; and the adoption of State Implementation Plans (SIP) by States. The States must establish emission limitations and issue permits for new construction of sources of air pollution or modifications of such sources.

(2) The 1990 amendments to the CAA added comprehensive provisions to the Act, including sections that regulate emissions of toxic air pollutants and acid rain and that require operating permits for sources of air emissions. Since most of the provisions are not pertinent to the operations conducted at FAA facilities because the facilities do not emit large enough quantities of air pollutants to be considered "major sources," they are not discussed in this chapter.

(3) The 1990 amendments to the CAA also require the phase-out of the use of CFC's to protect the stratospheric ozone, a restriction which is pertinent to FAA because CFC's are used in the chillers and condensers associated with FAA cooling systems and halons are used in some fire extinguishers.

b. Federal Facilities.

(1) Pursuant to Section 118 of the CAA, all Federal agencies are required to comply with the procedural and substantive requirements of the Act.

(2) AF organizations shall not support, in any way, any activity which does not conform to an implementation plan after it has been approved or promulgated under Section 110 of the Clean Air Act. The assurance of conformity to an implementation plan's purpose of eliminating or reducing the severity and number of violations is necessary to ensure that activities will not contribute to new violations, increase the frequency or severity of existing violations, or delay the timely attainment of any standards or goals (Section 176, CAA).

c. Regulating Agency. U.S. Environmental Protection Agency or State regulatory agencies, through SIP's, and/or more stringent State program standards.

d. Stratosphere Ozone Protection.

(1) Requirements.

(a) Emissions which occur while certain listed substances are being used, serviced, or disposed of must be reduced to the "lowest achievable level," and efforts must be made to "maximize the recapture and recycling of such substances."

(b) Beginning on January 1, 1992, any person repairing or servicing a motor vehicle air conditioner involving the refrigerant for such air conditioner must be properly trained and certified.

(c) EPA must issue regulations affecting Class I substances used in appliances and industrial-process refrigeration by January 1, 1992, and the regulations must go into effect by July 1, 1992. All other uses of Class I substances and all Class II uses must be covered by regulations that go into effect by November 15, 1995.

(d) The EPA regulations must require that any Class I or II substance be disposed of safely. Pursuant to Section 608(c) of the CAA, it is unlawful, beginning on July 1, 1992, for any person servicing, maintaining, repairing, or disposing of an appliance or industrial-process refrigeration equipment knowingly to release or dispose of any Class I or II substance used as a refrigerant in a manner that allows the substance to enter the environment.

(e) By May 15, 1993, regulations must go into effect requiring warning labels on all containers in which Class I or II substances are stored or transported and on all products containing a Class I substance.

(f) Production and consumption of all Class I substances must be terminated by January 1, 2000, except methyl chloroform, which must be terminated by January 1, 2002.

(g) Starting in 2015, the use of Class II substances is limited to substances that are recycled, used and then destroyed as a chemical feedstock, or used as a refrigerant to service appliances manufactured prior to 2020.

(h) HCFC production is limited starting in 2015 to a base-year level to be determined by EPA, and is to be phased out by January 1, 2030.

(2) Exemptions.

(a) Section 604(d) of the CAA contains several possible exemptions in the phase-out schedule for Class I substances including:

1. Essential uses of methyl chloroform until 2005;
2. Use of any Class I substance in medical devices beyond the phase-out date; and
3. Use of certain halons for purposes of aviation safety, if no safe and effective substitutes have been developed.

(b) Section 605(d) of the CAA provides for a limited number of exemptions to the phase-out schedule for Class II substances, including Class II substances used in medical devices and for exports to developing countries.

e. National Emission Standards for Hazardous Pollutants (NESHAP).

(1) Requirements.

(a) Covered facilities must comply with the Air Toxics/NESHAP limitations on air pollution caused by hazardous air pollutants. The original eight substances which were designated as NESHAP substances include: asbestos, benzene, beryllium, coke oven emissions, inorganic arsenic, mercury, radionuclides, and vinyl chloride. The 1990 revision of Section 112 of the Clean Air Act established an elaborate program to regulate emissions of a specific list of 189 toxic air pollutants and compounds through technology and/or health based standards. The original NESHAP substances were incorporated into the Air Toxics portion of the 1990 Clean Air Act Amendments (Section 112). See chapter 13 for a discussion of NESHAP applicability to the management of asbestos at FAA facilities.

(b) Owners and operators of an asbestos demolition or renovation operation must comply with the applicable NESHAP procedures as described in 40 C.F.R. § 61.145. See chapter 13 for more requirements on asbestos management.

(c) Covered facilities must comply with the recordkeeping requirements of 40 C.F.R. Part 61 applicable to the specific hazardous pollutants.

f. Enforcement.

(1) Section 304 of the CAA allows for any person to bring a civil action against any person, including the United States, for violations of emission standards.

(2) Pursuant to Section 113(c) of the CAA, there are four classes of criminal offenses for violations of the Act.

(3) Under Section 113 of the CAA, civil penalties of up to \$25,000 per day can also be assessed.

84. INDOOR RADON ABATEMENT ACT, 15 U.S.C. 2601, et seq., REQUIREMENT: Each Federal department or agency was to conduct a study to determine the extent of radon contamination in its buildings. If the building uses a nonpublic water source, a study of the radon contamination of the water was also required. These studies were to be submitted to the EPA Administrator no later than June 1, 1990.

85. ACTIONS WHICH MAY BE REQUIRED AT FAA FACILITIES.

a. Consult with the RPMES for any facility changes which may result in increased air emissions (e.g., increasing capacity of a boiler unit may trigger a requirement for a permit under Prevention of Significant Deterioration requirements).

b. Comply with specific requirements in any existing permit.

c. Reduce use of CFC's and halons in accordance with FAA policy.

d. Comply with specific requirements for asbestos. See chapter 13.

e. Review results of facility radon studies and, as necessary, correct to EPA guidance levels.

f. Review for assurance of conformity as required by Section 176, of the Clean Air Act.

86.-89. RESERVED.



CHAPTER 9. WATER RESOURCES

90. PURPOSE. This chapter identifies the applicable Federal statutory and regulatory requirements that protect the groundwater and surface water which may be impacted by activities at FAA facilities. These include point-source permitted discharges to a river, stream, or other waterway and discharges to municipal sewage treatment works (e.g., boiler blowdown, cooling tower discharges, or any type of thermal discharge), stormwater runoff, and any activities that involve dredging or filling in a waterway.

91. OVERVIEW.

a. The Federal Water Pollution Control Act was enacted in 1972, to "restore and maintain the chemical, physical, and biological integrity of the nation's waters." The scope of the act has been expanded by several amendments including major amendments in 1977 and 1987. Since the 1977 amendments, the entire program has been commonly referred to as the CWA. The CWA:

(1) Authorizes a NPDES permit program by which effluent limitations are set for each facility subject to the permit program.

(2) Creates a program for State certification of NPDES permits to assure that the effluent limitations established in the permits meet the State water quality standards.

(3) Prohibits discharges of "harmful quantities" of oil or hazardous substances into navigable waters of the United States (U.S.) and requires certain oil storage facilities to develop and implement Spill Prevention Control and Countermeasure plans.

(4) Requires publicly owned treatment works (POTW) to develop pretreatment programs to assure that the POTWs do not contaminate the waters of the United States.

(5) Authorizes the Department of the Army to issue permits for the discharge of dredged or fill material into navigable waters.

b. The Safe Drinking Water Act was enacted in 1974 and extensively amended in 1986 to set national standards for levels of contaminants in drinking water, to create a program for States to regulate underground injection wells and to protect sole source aquifers.

c. Section 10 of the Rivers and Harbors Act of 1899 prohibits the obstruction or alteration of any navigable water of the United States without authorization by the Secretary of the Army.

92. DEFINITIONS.

a. **Aquifer** is a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

b. **Contaminant** is any physical, chemical, biological, or radiological substance or matter in water.

c. **Dredged Material** is any substance that is excavated or dredged from waters of the U.S.

d. **Effluent Limitation** is any restriction including schedules of compliance established by the State or EPA on the quantities, rates, and concentrations of chemical, physical, biological, and other constituents which may be discharged from point sources into navigable waters.

e. **Feasible** means capable of being accomplished with the use of the best technology, treatment techniques and other means which the EPA finds available and acceptable, taking cost into consideration.

f. **Fill Material** is any substance used for the primary purpose of replacing an aquatic area with dry land or of changing the bottom elevation of a water body.

g. **Harmful Quantities** are those quantities of hazardous substances which equal or exceed the reportable quantity listed in 40 C.F.R. Part 117, Table 117.3 or those quantities of oil which require reporting under 40 C.F.R. § 110.10.

h. **Incompatible Pollutants** are substances, other than biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, which are not adequately treated in the POTW treatment process.

i. **Lead Free** means that there is not more than 0.2% lead in solder and flux, and not more than 8% lead in pipes.

j. **Maximum Contaminant Level (MCL)** is the maximum permissible level of a contaminant allowed in water which is delivered to the free flowing outlet of the ultimate user of a public water system.

k. **Navigable Waters**, as defined by 40 C.F.R. § 110.1 means the waters of the United States, including the territorial seas. The term includes:

(1) All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide.

(2) Interstate waters, including interstate wetlands.

(3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, and wetlands, the use, degradations, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

(a) That are or could be used by interstate or foreign travelers for recreational or other purposes.

(b) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(c) That are used or could be used for industrial purposes by industries in interstate commerce.

(4) All impoundments of waters otherwise defined as navigable waters under this section.

(5) Tributaries of waters identified in paragraphs (1) through (4) of this definition, including adjacent wetlands.

(6) Wetlands adjacent to waters identified in paragraphs (1) through (5) of this definition provided that waste treatment systems (other than cooling ponds meeting the criteria of this paragraph) are not waters of the U.S.

1. **New Source** is any building, structure, facility, or installation from which there is or may be a discharge of pollutants and the construction of which commenced after promulgation of applicable standards of performance under Section 306 of the CWA; or after proposal of applicable standards of performance if the standards are promulgated within 120 days of their proposal.

m. **Point Source** means any discernible, confined and discrete conveyance from which pollutants are or may be discharged.

n. **Public Drinking Water System** means a system for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections or regularly serves twenty-five or more individuals; this term includes:

(1) Any collections, treatment, storage and distribution facilities under the control of the operator of the system and used primarily in connection with the system.

(2) Any collection of pretreatment storage facilities not under the control of the operator of the system which are used primarily in connection with the system.

o. **Sole Source Aquifer** is an aquifer which is designated as the sole or principal drinking water source for a particular area.

p. **Stormwater** means stormwater runoff, snow melt runoff, and surface runoff and drainage.

q. **Structure** means, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island or reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or other obstacle or obstruction.

r. **Technology-Based Limits** are limits which reflect levels or amounts of pollutant reduction attainable by installing specified levels of technology.

s. **Underground Injection Well** is the subsurface emplacement of fluids by well injection, not including underground injection of natural gas for purposes of storage.

t. **Variance** is any mechanism that allows a modification or waiver to the applicable requirements.

u. **Work** means, without limitation, any dredging or disposal of dredged material, excavation, filling, or other modification of a navigable water of the United States.

93. CLEAN WATER ACT, 33 U.S.C. 1251 et seq.

a. Purpose. To control pollution in navigable waters, which includes any surface waterway regardless of flow or capacity for navigation.

b. Federal Facilities. Section 313(a) of the CWA requires each Federal agency to comply with all Federal, State, and local procedural and substantive requirements, administrative authority and process and sanctions respecting the control and abatement of water pollution in the same manner and to the same extent as any nongovernmental entity.

c. Regulating Agency.

(1) The EPA has the authority to issue NPDES permits, including stormwater discharge permits, unless the State has elected to take over the program and has obtained EPA approval of its program.

(2) Any POTW (or combination of POTW operated by the same authority) with a total design flow greater than 5 million gallons per day (mgd) and receiving from industrial users pollutants which pass through or interfere with the operation of the POTW or are otherwise subject to pretreatment standards is required to establish and enforce a POTW pretreatment program unless the NPDES State exercises its option to assume local responsibilities.

(3) Under delegated authority from the Secretary of the Army, the Corps of Engineers (COE) is authorized to issue permits for discharge of dredged or fill materials in navigable waters. State programs may have concurrent jurisdiction, and, consequently, State permitting requirements regarding these same activities.

(4) The United States Coast Guard administers spill reporting through the National Response Center and takes a leading role in spill response activities in the coastal zone.

d. National Pollutant Discharge Elimination System (NPDES). Discharges from point sources into surface waters are prohibited without a permit issued by the EPA or, if so delegated, the State. The permit will establish effluent limitations for the discharge(s). Facilities must comply with the monitoring and record-keeping requirements of 40 C.F.R. § 122.41(j), including retaining all monitoring information for a minimum of 3 years from the date of the sampling, measurement, report, or application (40 C.F.R. Parts 122-123).

e. Discharges to Publicly Owned Treatment Works (POTW).

(1) **Requirement.** A POTW used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastewater is required to establish "pretreatment standards" that industrial facilities which discharge into POTW's must meet. Facilities discharging to a POTW must comply with POTW-mandated effluent limitations, monitoring, and record-keeping requirements.

(2) **Federal Facilities.** Wastewater treatment facilities operated by the Federal government are not currently required to meet all of the standards applicable to POTWs. However, before any FAA facility discharges into a POTW, it must meet the relevant pretreatment standards for that POTW.

f. Stormwater Discharges.

(1) Requirements.

(a) Prior to October 1, 1992, a Federal NPDES permit is not required for a discharge composed entirely of stormwater unless it is:

1. A discharge with respect to which a permit has been issued prior to February 4, 1987;

2. A discharge associated with industrial activity, which includes, but is not limited to, a discharge from: transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport de-icing operations; and (40 C.F.R. § 122.26(b)(14)(viii)) construction activity including clearing, grading and excavation activities except operations that result in the disturbance of less than five acres which are not part of a larger development plan (40 C.F.R. § 122.26(b)(14)(x)).

3. A discharge from a municipal separate storm sewer system serving a population of 250,000 or more.

4. A discharge from a municipal separate storm sewer system serving a population of 100,000 or more, but less than 250,000.

5. A discharge for which the EPA administrator or the State, as appropriate, determines that the stormwater discharge contributes to a violation of water quality standards or is a significant contributor of pollutants to the waters of the United States.

(b) Facilities must comply with the monitoring and record-keeping requirements of 40 C.F.R. § 122.41(j), including retaining all monitoring information for a minimum of 3 years from the date of the sampling, measurement, report, or application.

(c) Some States, such as California, have stormwater permitting requirements that take effect prior to October 1, 1992.

(2) Application Procedures for Industrial Activity. For States which have been delegated the authority to implement their own NPDES program, stormwater permit application procedures and requirements will vary greatly from State to State. Contact the RPMES for specific requirements. The Federal NPDES requirements are:

(a) Tier I (baseline permitting). One or more general permits will be developed to initially cover the majority of stormwater discharges associated with industrial activity.

(b) Tier II (watershed permitting). These are permits for facilities within watersheds shown to be adversely impacted by stormwater discharges associated with industrial activity.

(c) Tier III (industry-specific permitting). These are individual or industry-specific permits.

(d) Tier IV (facility-specific permitting). A variety of factors will be used to target specific facilities for individual permits.

(3) **Permit Options.** Dischargers of stormwater associated with an industrial activity have three permit options under 40 C.F.R. § 122.26(c). They may apply for an individual permit, apply for a permit through a group application, or seek coverage under a general stormwater permit. Depending on the type of facility and type of permit, different application forms must be completed.

(4) **Application Deadlines.** For industrial activities associated with industrial discharges the deadline for filing individual permit applications is October 1, 1992. Part one of the group permits was due on September 30, 1991, and part two was due on October 1, 1992 (40 C.F.R. § 122.26(e)). Deadlines for general permits applications will vary from State to State, but in no case were later than October 1, 1992.

g. Discharge of Dredged or Fill Material.

(1) **Requirement.** Any person who discharges dredged or fill materials into navigable waters of the U.S. is required to obtain a permit (33 C.F.R. Part 323). All navigable waters, including wetlands, which could affect interstate or foreign commerce are covered. (33 C.F.R. Part 328). Facilities will be required to adhere to recordkeeping and reporting requirements as stipulated in each permit.

(2) Enforcement.

(a) Pursuant to 33 C.F.R. § 326.3, COE District Engineers are authorized to issue cease and desist orders for unpermitted dredge and fill operations which have not yet been completed. A notification of violation will be sent if the operation has been completed without a permit.

(b) If a permitted activity is not in compliance with the permit requirements, the District Engineer is authorized to issue an order requiring compliance within up to 30 days of notification (33 C.F.R. § 326.4). If the permittee fails to comply, the District Engineer can consider following suspension or revocation procedures under 33 C.F.R. § 325.7 and/or administrative or legal action under 33 C.F.R. § 326.5 and 326.6.

(c) Administrative, Civil, and/or Criminal penalties may be assessed pursuant to 33 U.S.C. 1319.

h. Oil and Hazardous Substance Storage and Spills

(1) Requirements:

(a) The CWA prohibits the discharge of oil into navigable waters in quantities that violate applicable water quality standards or cause a film or sheen upon the surface of the water (40 C.F.R. § 110.3). The specific requirements for response to such discharges are discussed more completely in chapters 6 and 7.

(b) Owners and operators of large oil storage facilities (1,320 gallons above ground storage capacity or a single above ground storage tank (AST) with a capacity greater than 660 gallons or 42,000 gallons below ground storage capacity) must seek to minimize the occurrence of an oil spill by developing, implementing and maintaining SPCC plans. The specific requirements for SPCC plans are discussed in chapter 16.

(c) Section 311 of the CWA requires that hazardous substance discharges to water in excess of certain quantities must be reported in accordance with 40 C.F.R. § 117.21. A list of over 300 substances and their reportable quantities is shown at 40 C.F.R. Part 116. The specific requirements are discussed in chapter 7.

(2) **Exclusion.** The CWA regulations related to oil and hazardous substance discharges do not apply to discharges permitted under the NPDES program.

i. Enforcement.

(1) Section 505 of the CWA authorizes citizens to file suit if they believe that the provisions of the Act are not being carried out.

(2) Under Section 309, any person who violates certain provisions of the Act, including NPDES requirements, may be subject to a civil penalty of not more than \$25,000 for each day of violation.

(3) Section 309(c) imposes criminal penalties on persons who either negligently or knowingly violate any provision of the CWA or NPDES permit conditions. If the violation is negligent, the party may be subject to criminal penalties of not less than \$2,500 nor more than \$25,000 per day of violation, as well as up to one year of imprisonment per day of violation. Violations in which the person knows he is taking the action regardless of whether he knows the action violates the law (knowing violations) are subject to fines of not less than \$5,000 nor more than \$50,000 per day of violation and up to three years imprisonment per day of violation. The penalties double for second offenses.

94. SAFE DRINKING WATER ACT (SDWA), 42 U.S.C. 300f, et seq. The SDWA sets national standards for levels of contaminants in drinking water, to create a program for States to regulate underground injection wells, and to protect sole source aquifers. Section 1447 of the SDWA makes all substantive and procedural requirements applicable to each Federal agency having jurisdiction over any Federally owned or maintained public water system or engaging in any activity resulting in underground injection which endangers drinking water. Pursuant to Section 1413 of the SDWA, States are given primary enforcement authority for application of the drinking water standards to public water systems. EPA is the regulating agency, unless the State has an approved Underground Injection Control (UIC) program. Public drinking water systems must conduct a sampling program (40 C.F.R. §§ 141.21-141.30) to assure that contaminants do not exceed the MCLs established by EPA (40 C.F.R. §§ 141.11-141.16). Public drinking water requirements are:

a. Reporting and Record-Keeping.

(1) Pursuant to 40 C.F.R. § 141.21(g), if a public drinking water system has exceeded the MCL for total coliforms, it must report the violation to the State no later than the end of the next business day.

(2) Pursuant to 40 C.F.R. § 141.22(b), if turbidity sampling indicates an excess of the maximum allowable, the supplier of water shall report to the State within 48 hours.

(3) Pursuant to 40 C.F.R. § 141.24, if organic chemicals other than total trihalomethanes exceed the MCL, the exceedance must be reported within seven days.

(4) For all other sampling requirements, the supplier of water shall comply with the reporting requirements under 40 C.F.R. § 141.31.

(5) Records of bacteriological and chemical analyses must be kept for not less than 5 or 10 years, respectively. Records concerning a variance or exemption must be kept not less than 5 years following expiration of the variance or exemption (40 C.F.R. § 141.33).

b. Variances. Pursuant to Sections 1415 and 1416 of the Act, States may provide variances and exemptions for public water supply systems which cannot meet the primary drinking water standards. If a system cannot meet a MCL despite application of the best treatment technology, it may receive a variance (40 C.F.R. § 142.42(c)). If a system cannot meet a MCL for reasons other than the nature of its raw water supply or cannot install a treatment technology specified by a primary standard, it may receive an exemption (40 C.F.R. § 142.50).

c. Underground Injection Control (UIC) Requirements. No underground injection is permitted, unless authorized by rule or permit. (40 C.F.R. § 144.11). Recording and reporting of monitoring results are required as specified in the permit terms (40 C.F.R. § 144.54).

d. Lead Free Pipes Requirements. Section 1417 of the SDWA prohibits the use of lead solder, pipes, or flux in drinking water systems. The Act, which requires lead free materials, was effective in June 1988. Public water systems must identify and provide notice to customers that may be affected by lead contamination of their drinking water, regardless of whether the systems meet the MCL for lead. Federal facilities are required to comply with this prohibition if they operate a public water system subject to the SDWA.

e. Enforcement. Pursuant to Section 1414(b) of the SDWA, violators of standards governing public water systems are punishable by civil penalties of up to \$25,000 per day of violation. Pursuant to Section 1423(b) of the Act, violators of the UIC program are also punishable by civil penalties of up to \$25,000 per day of violation. The EPA is also given authority to issue administrative orders and assess administrative penalties of up to \$10,000 per day, up to a maximum total penalty of \$125,000.

95. SECTION 10 OF THE RIVERS AND HARBORS ACT OF 1899 (SEC. 10), 33 U.S.C. 403.

a. Requirement. Any person erecting structures and/or conducting work in or affecting navigable waters of the United States is required to obtain a U.S. Department of Army Section 10 permit (33 C.F.R. § 322.3). The Secretary of the Army has delegated to the COE the authority to issue or deny Section 10 permits.

b. Enforcement.

(1) Pursuant to 33 C.F.R. § 326.3, COE District Engineers are authorized to issue cease and desist orders for unpermitted activities that have not yet been completed. A notification of violation will be sent if the operation has been completed without a permit.

(2) If a permitted activity is not in compliance with the permit requirements, the District Engineer is authorized to issue an order requiring compliance within up to 30 days of notification (33 C.F.R. § 326.4). If the permittee fails to comply, the District Engineer can consider following suspension or revocation procedures under 33 C.F.R. § 325.7 and/or legal action under 33 C.F.R. § 326.5.

(3) Criminal penalties and/or injunctive relief may be assessed pursuant to 33 U.S.C. 405.

96. ACTIONS WHICH MAY BE REQUIRED AT FAA FACILITIES.**a. For NPDES Permitted Discharges.**

(1) Ascertain point source discharges that may require NPDES permits, e.g., cooling tower discharges, boiler blowdown and/or other thermal discharges to waters of the United States.

(2) Determine whether the EPA or the State has NPDES permit authority.

(3) Check additional State requirements.

(4) If a permit is required, submit the application at least 180 days prior to the date on which the proposed discharge is to commence.

(5) If a "new source" is involved, conduct an environmental assessment.

(6) Review and comment on the draft permit issued by EPA or the State to assure that technical requirements can be met. (Unless requirements are contested in the permit process, later defenses to enforcement actions may be waived.)

(7) Participate in public hearings, if any, on the draft permit.

(8) Submit an additional application prior to any facility modifications or operations changes which would result in changes to the discharge after the permit is issued.

(9) Establish and maintain records, provide reports, and take samples as required by the permit (40 C.F.R. § 122.41(j)).

(10) Provide oral notification to EPA or the State within 24 hours and a written report within 5 days of any non-compliance with a permit requirement which may endanger health or the environment or result in certain releases of toxic pollutants (40 C.F.R. § 122.41(k)(6) and 40 C.F.R. § 122.42(a)).

(11) Submit an application for reissuance of a permit within 180 days in advance of the expiration date (40 C.F.R. § 122.21(d)).

b. For Discharges to Publicly Owned Treatment Works (POTW). Ensure that discharges to the municipal sewer system from FAA facilities are addressed as needed in a discharge agreement or permit from the POTW. Comply with provisions of existing discharge agreements/permits and pretreatment requirements.

c. For Stormwater Discharges.

(1) Ascertain what facilities have stormwater discharges associated with industrial activities within the meaning of 40 C.F.R. § 122.26(b)(14).

(2) Determine whether EPA or the State has stormwater permitting authority.

(3) Check additional State requirements through the RPMES.

(4) If a permit is required, select the permit option to be utilized and submit the application by the appropriate deadline (40 C.F.R. § 122.26(e)). (Note: sampling activities necessary to complete a permit application may have to be performed well in advance of the application deadline).

(5) Participate in the permit process as shown above for the NPDES process.

(6) Conduct sampling, monitoring, and reporting as specified in the permit application or permit.

d. For Dredging or Filling Operations: Determine whether the proposed project involves the discharge of dredged or fill material into navigable waters and is of the type that requires a permit and/or notification to the COE (33 C.F.R. Part 323).

e. For Oil or Hazardous Substance Storage or Spills. See chapters 7 and 16.

f. For Drinking Water Systems.

(1) Determine whether the FAA facility operates a public drinking water system within the coverage of the SDWA.

(2) If so, follow State requirements for permitting, sampling, and reporting requirements except in Wyoming and the District of Columbia where EPA retains enforcement authority.

(3) Assure that contaminant levels do not exceed the MCL's and, if so, report them within the time frames established by the State or EPA.

(4) Do not use lead solder, pipes, or flux in the drinking water system.

(5) Provide notification as required to persons who may be affected by the presence of lead in the drinking water.

g. For Underground Injection Wells. Determine whether the proposed or existing project involves the underground injection of a fluid. Contact the RPMES for permit status of existing injection wells, or for obtaining a permit or permit by rule for proposed wells.

h. For Section 10 Activities. Determine whether the proposed project involves structures and/or work in or affecting navigable waters and is of a type that requires a permit from and/or notification to the COE (33 C.F.R. Part 322).

97.-99. RESERVED.



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CHAPTER 10. SOLID WASTE MANAGEMENT

100. PURPOSE. The purpose of this chapter is to identify and describe the Federal regulatory requirements for the safe collection, storage, and disposal of solid wastes. This includes waste or trash that is normally disposed of at a landfill. Requirements for the management of hazardous wastes are discussed in chapter 12.

101. OVERVIEW. In addition to regulating the management of hazardous wastes, the Solid Waste Disposal Act (SWDA), as amended under RCRA Subtitle D, also addresses the collection, transportation, separation, recovery, and disposal of solid waste. The SWDA also encourages the development of State or regional solid waste plans and authorizes the EPA to issue Federal guidelines for managing solid waste.

102. DEFINITIONS.

a. Incinerator means a facility consisting of one or more furnaces in which wastes are burned.

b. Open Dumping means the disposal of solid wastes in a manner that does not protect the environment, is susceptible to open burning, and is exposed to the elements, diseases, and scavengers.

c. Solid Waste means garbage, refuse, sludge and other discarded solid material resulting from industrial and commercial operations and from community activities. Solids or dissolved material in domestic sewage or other significant pollutants in water resources (such as silt or dissolved suspended solids in industrial wastewater effluents) are not included within the scope of this definition.

d. Solid Waste Disposal Facility means all contiguous land, structures, appurtenances, and improvements within the facility boundary used to treat, store or dispose of solid waste, including property used as a landfill, a landspreading facility, or other structure used for the final disposal of solid waste into or onto the land.

e. Thermal Processing means the processing of waste material by means of heat.

103. SOLID WASTE DISPOSAL ACT (RESOURCE CONSERVATION AND RECOVERY ACT), 42 U.S.C. 6901, et seq.

a. Purpose. Statutory provisions of SWDA and guidelines issued by EPA under RCRA Subtitle D are set forth in 40 C.F.R. Parts 240-259.

(1) Prohibit open dumping.

(2) Recommend minimum standards for land disposal facilities.

(3) Recommend minimum standards for the thermal processing (incineration) of solid waste.

(4) Recommend minimum standards for the storage and collection of solid waste.

b. Federal Facilities. The SWDA makes all Federal agencies subject to the requirements. It requires Federal agencies to comply with "all Federal, State, interstate, and local requirements, both substantive and procedural, . . . respecting control and abatement of solid waste." Except with respect to the recommended procedures for the collection and storage of solid waste, the EPA guidelines are mandatory for Federal facilities in those circumstances in which the Federal agency is able to exercise "direct management control" over the solid waste management practices.

c. Regulating Agency. All States currently participate in the Subtitle D program and have incorporated the EPA minimum standards into their respective regulations.

d. Storage and Collection of Solid Waste Requirements.

(1) All solid wastes must be stored and collected in accordance with the EPA suggested guidelines in 40 C.F.R. Part 243.

(2) All solid wastes must be stored in such a manner that they do not constitute a fire, health, or safety hazard.

(3) Vehicles used in solid waste collection must meet all applicable Federal standards. Vehicles must also be enclosed to prevent spillage during transit.

104. ACTIONS WHICH MAY BE REQUIRED BY FAA FACILITIES.

a. Solid waste being stored on site must be managed in accordance with applicable Federal guidelines and State requirements.

b. Identify facilities where solid waste is being disposed prior to shipping waste off site and make sure those facilities are properly authorized to accept waste.

c. No wastes should be disposed of on site unless required State and local authorizations have been obtained.

d. Recycling activities should be implemented wherever practicable. Executive Order 12780, Federal Agency Recycling and the Council on Recycling and Procurement Policy.

105.-109. RESERVED.

CHAPTER 11. TRANSPORTATION OF HAZARDOUS MATERIALS AND HAZARDOUS WASTES

110. PURPOSE. This chapter identifies the applicable Federal requirements for the safe transportation of hazardous materials and hazardous wastes (e.g., flammables such as gasoline or paint thinners; caustics such as commercial cleaners, etc., and hazardous wastes, such as some types of solvents or paint thinners, or mixtures of waste oils, gasoline, antifreeze and solvents, etc.).

111. OVERVIEW.

a. In 1974, Congress enacted the Hazardous Materials Transportation Act (HMTA), which has been amended several times. The Act requires the Secretary of the Department of Transportation to promulgate rules for the safe transportation of hazardous materials in intrastate, interstate, and foreign commerce. These regulations include, but are not limited to, marking, labeling, placarding, and safety requirements.

b. RCRA also imposes safety and manifesting requirements on persons who transport or offer for transport any hazardous waste.

c. See chapter 7 for a discussion of requirements regarding hazardous material spills.

112. DEFINITIONS.

a. **Hazardous Materials** include, but are not limited to, explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizers or corrosive materials, and compressed gases.

b. **Hazardous Substance** is a hazardous material which, because of its quantity, concentration, or hazardous properties, can pose a substantial hazard to human health or the environment when released into the environment and for which a specific reportable quantity is listed in 40 C.F.R. § 302.4.

c. **Hazardous Waste** is any solid waste or combination of solid wastes listed in or meeting one of the characteristics of ignitability, corrosivity, reactivity, or toxicity as described in 40 C.F.R. Part 261.

d. **Solid Waste** is any discarded material within the meaning of 40 C.F.R. § 261.2.

e. **Discarded Material** is any material that is abandoned or is considered inherently waste-like.

113. HAZARDOUS MATERIALS TRANSPORTATION ACT, 49 U.S.C. 1801, et seq., as amended by the Hazardous Materials Transportation Uniform Safety Act of 1990, 49 App. U.S.C. 1801, et seq.

a. Requirements. All transporters of hazardous materials and persons who offer hazardous materials for transport must comply with the requirements of Title 49 of the Code of Federal Regulations, including, but not limited to:

- (1) Marking requirements shown in 49 C.F.R. § 172.304.
- (2) Labeling requirements listed in 49 C.F.R. § 172.400.
- (3) Placarding requirements listed in 49 C.F.R. § 172.500.
- (4) Shipping paper requirements detailed in 49 C.F.R. §§ 172.200-172.205.
- (5) Safety requirements including, but not limited to, parking and routing, as stated in 49 C.F.R. Parts 177 and 397.
- (6) Training requirements, as stated in 49 C.F.R. Parts 173 and 177.
- (7) Shipment and packaging requirements listed in 49 C.F.R. Part 173.
- (8) Hazardous material generator and carrier manifest record-keeping requirements (3 years from date waste is accepted by the initial carrier) in 40 C.F.R. § 172.205.
- (9) Emergency response information requirements detailed in 49 C.F.R. §§ 172.600-.604.
- (10) Hazardous materials incident reporting as required by 49 C.F.R. § 171.15 and/or 171.16.

b. Federal Facilities. Section 103(11) of HMTA makes all requirements of the Act applicable to an "agency or instrumentality of any government...when it offers hazardous materials for transportation in commerce"...

c. Regulating Agency. U.S. Department of Transportation (DOT).

d. Enforcement. Pursuant to Section 110 of the Act, civil penalties of up to \$25,000 per day can be assessed against any person, except any agency or instrumentality of the Federal government, who is in violation of the requirements.

114. RESOURCE CONSERVATION AND RECOVERY ACT, 42 U.S.C. 6901, et seq.

a. Any person who offers hazardous waste for transport off-site must also comply with applicable manifesting and packaging requirements of 40 C.F.R. Part 262. The manifesting requirements are discussed in chapter 12, paragraph 4. The EPA has adopted the DOT packaging, labeling, and placarding requirements (40 C.F.R. §§ 262.31-.33).

b. Any person engaged in the off-site transportation of hazardous waste must comply with the requirements of 40 C.F.R. Part 263.

115. ACTIONS WHICH MAY BE REQUIRED AT FAA FACILITIES.

a. Comply with applicable DOT requirements for packaging, labeling, placarding, manifesting, and shipping hazardous materials and hazardous wastes.

b. Comply with applicable DOT requirements for hazardous materials incident reporting in the event of a spill or release.

c. Comply with special RCRA manifesting requirements for shipping hazardous wastes.

d. For hazardous waste transport, use only transporters with a valid EPA Identification Number who are permitted to transport hazardous wastes. FAA is liable for any cleanup needed as a result of an accident in shipment or unlawful disposal by a transporter, so it is imperative to use a reliable transporter. Check with the RPMES for recommended transporters in your area.

116.-119. RESERVED.



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CHAPTER 12. HAZARDOUS WASTE MANAGEMENT

120. PURPOSE. The purpose of this chapter is to identify and describe the Federal statutory and regulatory requirements applicable to the generation, handling, storage, and disposal of hazardous waste by FAA facilities. This includes such materials as waste solvents, waste paint thinners, contaminated waste oils, etc. as well as other waste chemicals specifically defined as hazardous wastes under RCRA.

121. OVERVIEW.

a. In 1976, Congress passed the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901, et seq., "to assure that hazardous waste ...[is] treated, stored, or disposed of so as to minimize the present and future threat to human health and the environment." RCRA imposes requirements on generators and transporters of hazardous wastes as well as upon owners and operators of TSD facilities. RCRA has been amended several times, most significantly by the Hazardous and Solid Waste Amendments of 1984 (HSWA), which, among other provisions, added a requirement for waste minimization programs, restrictions on land disposal of hazardous waste, and a requirement for corrective action for releases of hazardous waste from solid waste management units at TSD facilities.

b. The Federal Facility Compliance Act of 1992 (H.R. 2194) was signed into law by President George Bush on October 6, 1992. The law allows EPA to enforce Federal agency compliance with RCRA, and States to collect fines resulting from violation. The key provisions include:

(1) Provisions for States to levy fines and penalties against Federal agencies for violating State laws and RCRA.

(2) Provisions for EPA to undertake administrative enforcement actions that force Federal agencies to comply with RCRA.

(3) A stipulation that fines and penalties collected under the law must be used for environmental purposes.

c. See also chapter 3 for environmental safety and health requirements related to hazardous waste management.

122. DEFINITIONS.

a. **Acutely Hazardous Wastes** are hazardous wastes including, but not limited to, commercial chemical products and manufacturing chemical intermediates specified by Hazard Code H in 40 C.F.R. §§ 261.31-.33.

b. **Characteristic Waste** is solid waste that exhibits one or more of the following hazardous characteristics: ignitability, corrosivity, reactivity, or toxicity.

c. **Corrective Action** is the program for achieving cleanup for releases of hazardous waste or constituents from solid waste management facility.

d. Disposal of Hazardous Waste means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground water.

e. Generator means any site or mobile source whose actions or process produces hazardous waste identified or listed in 40 C.F.R. Part 261 or whose act first causes a hazardous waste to become subject to regulation. There are three types of generators:

(1) **Large Quantity Generator** is any generator of hazardous waste that does not qualify as a small-quantity generator or a conditionally exempt small-quantity generator (i.e., produces more than 1,000 kilograms (kg) of hazardous waste in a calendar month or accumulates more than 6,000 kg of hazardous waste on site).

(2) **Small-Quantity Generator** is a generator that produces less than 1,000 kg of hazardous waste in a calendar month and never accumulates more than 6,000 kg of hazardous waste.

(3) **A Conditionally Exempt Small-Quantity Generator** is a generator that does not generate more than 100 kg of hazardous waste or 1 kg of acutely hazardous waste in one month.

f. Hazardous Waste is any solid waste or combination of solid wastes listed in or meeting one of the characteristics of ignitability, corrosivity, reactivity, or toxicity as described in 40 C.F.R. Part 261.

g. Land Disposal Restrictions are the provisions of HSWA which prohibit the placement of hazardous waste in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, or underground mine or cave.

h. Listed Waste is a solid waste that is listed as hazardous under 40 C.F.R. Part 261.

i. Manifest is the shipping document which is originated and signed by the generator before offering hazardous waste for off-site shipment.

j. On-Site refers to the same or geographically contiguous property. The property may be divided by a public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection, and access is by crossing as opposed to going along, the right of way.

k. Recycled Materials are those substances which are used or reused as ingredients in an industrial process to make a product; or used or reused as effective substitutes for commercial products; or returned to the original process from which they are generated without first being reclaimed.

l. Solid Waste Management Unit (SWMU) is any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at a facility at which solid wastes have been routinely and systematically released.

m. **Solid Waste** is any discarded material within the meaning of 40 C.F.R. § 261.2. Discarded material is any material that is abandoned, recycled, or is considered inherently waste-like.

n. **Storage of Hazardous Waste** means the holding of hazardous waste for a temporary period at the end of which the hazardous waste is treated, disposed or stored elsewhere.

o. **Transporter** means any person engaged in the off-site transportation of hazardous waste by air, rail, highway, or water.

p. **Treatment** means any method, technique or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous or less hazardous, safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

q. **Used Oil** is any oil that has been refined from crude oil, used, and, as a result of such use, is contaminated by physical or chemical impurities.

r. **Waste Minimization** means any activity that is undertaken by a generator that results in either the reduction of the quantity of hazardous waste or the reduction in toxicity of hazardous waste, including process change, product substitution, inventory control, segregation, and recycling.

123. RESOURCE CONSERVATION AND RECOVERY ACT, 42 U.S.C. 6901, et seq.

a. **Purpose.** There are several sections to RCRA.

(1) Subtitle C applies to the management of hazardous waste including, but not limited to, the following topics pertinent to FAA facilities:

- (a) Identification of hazardous waste.
- (b) Manifesting shipments of hazardous waste.
- (c) Standards and permit programs for TSD facilities.
- (d) Corrective action required at TSD facilities.

(2) Subtitle D establishes a voluntary program whereby States are authorized to implement solid waste management plans (See Section 10).

(3) Subtitle I establishes criteria for regulation of underground storage tanks (UST) (See Section 16).

b. **Federal Facilities.** Section 6001 of RCRA makes all Federal and State agencies subject to all substantive and procedural requirements of Federal, State, and local law. However, the President can create an exemption from a requirement for up to one year for any facility due to the "paramount interest of the United States."

c. **Regulating Agency.** Under RCRA, EPA authorizes the States to administer their hazardous waste programs in lieu of the Federal program if the State has adopted a program which is at least equivalent to the Federal program. Many State programs contain more stringent standards than the Federal program.

d. **Variances.** Pursuant to criteria listed in 40 C.F.R. § 260.31, the EPA Regional Administrator can issue a variance for certain recycled materials that would otherwise be classified as hazardous wastes which would have the effect of classifying such materials as non-hazardous waste.

(1) RCRA Enforcement.

(a) Pursuant to Section 7002 of RCRA, any person may commence a civil action against any person, including a Federal agency, that violates RCRA, a RCRA permit, or regulations promulgated under RCRA.

(b) Under Section 3008 of RCRA, the EPA Administrator may issue an order assessing a civil penalty or commence a civil action. The order may include a suspension or revocation of any permit. The penalty assessed in the order shall not exceed \$25,000 per day of noncompliance. For each day of continued noncompliance, the Administrator can issue a civil penalty of not more than \$25,000 per day.

(c) Criminal penalties of not more than \$50,000 for each day of violation or imprisonment, or both, can be issued if a person knowingly violates any of the provisions of the Act. Anyone who knowingly endangers the life of another by violating provisions of the Act, can be fined up to \$250,000 or imprisoned for not more than 15 years or both.

e. Identification of Wastes.

(1) **Requirements.** A person who generates a solid waste as defined in 40 C.F.R. § 261.2 must determine if that waste is a hazardous waste by:

(a) Determining if the waste is excluded from regulation under 40 C.F.R. § 261.4;

(b) Determining if the waste is a listed waste under 40 C.F.R. Part 261; or

(c) If the waste is not a listed waste, determining if the waste is a characteristic waste. Hazardous waste determinations can be made either through analytical testing or by applying knowledge of the hazard characteristic of the waste in view of the materials or the process used to generate it. Any records of test results, waste analyses, or other determination made in the course of establishing whether a solid waste is a hazardous waste must be kept for at least three years from the date that the waste was last sent to on- or off-site treatment, storage, or disposal.

(2) **Exemptions.** Certain wastes are excluded from regulation as hazardous waste under 40 C.F.R. § 261.4. Included among the excluded wastes are:

- (a) Domestic sewage.
- (b) Industrial wastewater to POTWs.
- (c) Nuclear wastes.
- (d) Certain mining wastes.

f. Generator Standards.

(1) Requirements.

(a) Small-quantity generators of hazardous waste must meet the requirements established in 40 C.F.R. Part 262, including those requirements described in subparagraphs (2) through (4).

(b) In addition to meeting the above requirements, large-quantity generators must also comply with certain inspection, training, containerization, and other requirements as specified in 40 C.F.R. § 262.34.

(c) Except with respect to certain quantities of acutely hazardous waste, conditionally exempt small-quantity generators (i.e., generate less than 100 kg of hazardous waste per month) are not subject to full RCRA hazardous waste management regulations (40 C.F.R. § 261.5).

(2) Identification Number.

(a) Under 40 C.F.R. § 262.12, all generators with the exception of conditionally exempt small quantity generators must receive an EPA Identification Number (EPA ID Number) before treating, storing, disposing, transporting, or offering for transportation any hazardous waste.

(b) An EPA identification number can be obtained by applying to the EPA Regional Administrator using Form 8700-12 (RCRA Section 3010 (42 U.S.C. 6930)); 40 C.F.R. § 262.12).

(c) In addition to having its own generator EPA ID number, a generator cannot offer hazardous waste to transporters who do not have their own separate identification numbers.

(3) Manifest. Generators who transport or offer hazardous waste for transportation off-site must prepare a manifest on EPA Form 8700-22 pursuant to 40 C.F.R. § 262.20. (Note: Certain States may require that an alternate State form be used.)

(a) The generator must provide the name of one facility as the destination for the waste and may provide an alternate facility (40 C.F.R. § 262.20).

(b) The generator must prepare copies of the manifest for the generator, each transporter, and the owner or operator of the designated facility, and another copy to be returned to the generator by the disposal facility. (40 C.F.R. § 262.22). Some States require that generators submit manifest copies to them.

(c) The manifest certification must be hand-signed by the generator, who has received appropriate training (40 C.F.R. § 262.23).

(d) The generator should retain indefinitely the manifest signed upon initiation of transportation and the signed copy from the designated facility that received the waste. Exception reports must also be kept indefinitely. Requests should be made for certificates of disposal and those records kept as well.

(4) Accumulation Time.

(a) A generator may accumulate up to a total of 55 gallons of hazardous waste or one quart of acutely hazardous waste for more than 90 days without a permit at or near the point of generation if it meets the labeling and container requirements as specified in 40 C.F.R. § 262.34(c). This practice is known as "satellite accumulation."

(b) Without obtaining a permit, a small quantity generator may accumulate hazardous waste not exceeding 6,000 kilograms on site for 180 days (or 270 days if the waste must be transported more than 200 miles for treatment or disposal) (40 C.F.R. § 262.34).

(c) A large-quantity generator that accumulates hazardous waste on its site for more than 90 days may be considered to be operating a storage facility and be required to obtain a permit (40 C.F.R. § 262.34).

g. Standards for Facilities that Treat, Store, or Dispose of Hazardous Waste (TSD Facilities).

(1) Requirements.

(a) TSD facilities must ultimately obtain a permit to operate. However, a TSD facility which meets the following criteria may operate under "interim status" until a permit has been issued by EPA or the State:

1. The facility was in existence on November 19, 1980, or on the effective date of statutory or regulatory changes that render the facility subject to the need for a RCRA permit;

2. The facility has notified EPA pursuant to 40 C.F.R. Part 262 of its hazardous waste management activity; and

3. The facility has filed a preliminary permit application (Part A Permit).

(b) TSD facilities must also comply with the technical requirements of 40 C.F.R. Part 264 if they are permitted facilities or 40 C.F.R. Part 265 if they operate under interim status.

(2) Application Procedure. The permit process is divided into two parts. In order to obtain interim status, TSD facilities must first complete a Part A application, which is a short form containing certain basic information about the facilities. Before a final RCRA permit is issued, the more detailed Part B application must be completed (40 C.F.R. Part 270).

h. Training Requirements. See also Appendix 3, Summary of Minimum Federal Training Requirements.

(1) Pursuant to 40 C.F.R. § 264.16 and 265.16, TSD facility personnel and personnel at large-quantity generator facilities are required to be properly trained in the areas to which they are assigned. The training program may be formal classroom instruction or on-the-job training. Facility personnel must be given the training within six months of their employment, and must take part in an annual review thereafter. The program must be directed by a person trained in hazardous waste management procedures. Training records for current personnel must be kept until closure of the facility. Such records on former employees must be kept for at least 3 years from the date the employee last worked at the facility.

(2) Facility personnel at small-quantity generator facilities must be familiar with waste handling and emergency procedures relevant to their responsibilities.

i. Recordkeeping and Reporting Requirements.

(1) Manifest Exception Reporting. If a signed manifest is not received by the generator from the designated facility within 35 days, the generator is obligated to file an exemption report to the appropriate EPA Regional Administrator. For large-quantity generators, the report must be filed if he has not received a copy of the manifest within 45 days of the date the waste was accepted by the initial transporter. It must include a copy of the manifest for which the generator does not have confirmation of delivery, and a cover letter explaining his efforts taken to locate the waste and the results thereof. Small-quantity generators must file a report if he has not received a copy of the manifest within 60 days of the date the waste was accepted by the initial transporter, and include a copy of the manifest in question, indicating that its confirmation has not been received (40 C.F.R. § 262.42).

(2) Biennial Reports. A small-quantity or large-quantity generator who ships any hazardous waste off site to a TSD facility must submit a copy of a biennial report to the appropriate EPA Regional Administrator by March 1 of each even-numbered year. The report must contain, but is not limited to a description and quantity of, each hazardous waste shipped off site, a listing of each transporter used during the reporting year, and a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated (40 C.F.R. § 262.41). Biennial reports must be retained by the generator for at least three years from the due date of the report (40 C.F.R. § 262.40(b)). This period is extended automatically during the course of any unresolved enforcement action (40 C.F.R. § 262.40(d)).

(3) Record-Keeping. Manifests, operating records, biennial reports, and unmanifested waste reports are subject to record-keeping requirements found in both 40 C.F.R. § 265.7 and 40 C.F.R. § 264.7.

j. Residues of Waste in Empty Containers.

(1) Containers which have held hazardous material or hazardous waste must be treated as hazardous waste unless they can be considered "empty" under 40 C.F.R. § 261.7(b)(1).

(2) Pursuant to 40 C.F.R. § 261.7(b)(1), a container or inner liner removed from a container that has held hazardous waste is considered empty if all wastes have been removed, and no more than 2.5 centimeters of residue remains on the bottom of the container or inner liner; or no more than 3% by weight of the total capacity of the container or inner liner is less than or equal to 110 gallons in size or no more than .3% by weight of the container is greater than 110 gallons in size.

(3) A container or inner liner removed from a container that has held acutely hazardous waste is empty if the container or liner has been triple rinsed using a solvent capable of removing the subject chemical; or if the container or liner has been cleaned by another acceptable method; or, in the case of a container, the inner liner that prevented contact of the chemical with the container, has been removed (40 C.F.R. § 261.7). (Note: spent container rinse must be treated as a hazardous waste.)

k. Corrective Action. RCRA requires that corrective action be taken when there is a release or threatened release from a treatment, storage, or disposal facility for hazardous waste. See chapter 4 for a discussion of these requirements.

l. Land Disposal Restrictions.

(1) RCRA prohibits the land disposal of hazardous waste unless the waste has been treated to certain levels or by certain technologies described in 40 C.F.R. Part 268. The prohibition was phased in over several years as reflected in Appendix VII of 40 C.F.R. Part 268.

(2) Storage of hazardous wastes restricted from land disposal is prohibited, unless (40 C.F.R. § 268.50) a generator stores such wastes in tanks or containers on-site solely for the purpose of accumulation of such wastes as necessary to facilitate proper recovery, treatment, or disposal; or an owner or operator of a TSD facility stores such wastes in clearly identifiable and marked containers for the purpose of accumulation as necessary to facilitate proper recovery, treatment, or disposal; or a transporter stores manifested shipments of such wastes at a transfer facility for 10 days or less.

(3) Generators are required to perform waste analysis in order to determine if the waste is restricted from land disposal (40 C.F.R. § 268.7(a)). Notification of this status must be provided to any receiving TSD facility. Generators must retain records of all notices, data, and other relevant documentation for at least 5 years from the date the waste is sent to a TSD. This period is automatically extended during any enforcement action (40 C.F.R. § 268.7(a)(6)).

m. Corrective Action.

(1) Requirements for TSD Facilities.

(a) RCRA mandates that any RCRA permit issued to a TSD facility for hazardous waste after November 8, 1984, requires that corrective action be taken for all releases of hazardous waste or constituents from any solid waste management unit (SWMU) regardless of when the waste causing the release was placed in the unit (40 C.F.R. § 264.101(a)).

(b) RCRA requires that corrective action be taken beyond the boundary of the TSD facility where necessary to protect human health and the environment, unless the owner or operator is unable, despite best efforts, to obtain permission to undertake such actions (40 C.F.R. § 264.101(c)).

(c) RCRA provides authority for EPA to require corrective action at TSD facilities authorized to operate under interim status. Section 3008(h) has been interpreted broadly to cover release of hazardous constituents as well as hazardous waste.

(2) Procedures for TSD Facilities.

(a) EPA conducts a RCRA Facility Assessment (RFA) to determine whether further site investigation is necessary at facilities subject to RCRA corrective action authority. The RFA involves the identification of all SWMU's at the facility; a preliminary review of the available information regarding known or potential releases from the subject units; and a Visual Site Inspection (VSI) by an inspection team composed of State and EPA staff.

(b) Where EPA determines that a release has occurred, the facility will be required to conduct a RFA to determine the extent of contamination caused by the releases.

(c) If the RFA indicates that corrective action is necessary, the EPA will require the facility to conduct a CMS to identify appropriate means to eliminate or reduce to acceptable levels the risks posed by releases of hazardous wastes or hazardous constituents.

(d) In accordance with the facility's RCRA permit, the facility will be required to implement the corrective action selected as a result of the CMS.

124. WASTE MINIMIZATION AND RECYCLING.

a. **Application to FAA.** Waste reduction and recycling programs are mandated by Executive Order 12780. Each hazardous waste manifest has a generator's certification statement declaring that they have a waste minimization program in place. Where practicable, source reduction of wastes and recycling programs shall be implemented. Waste minimization can be achieved through process change, product substitution, inventory control, segregation of incompatible waste streams, and recycling. Wastes currently targeted by the FAA for recycling include batteries, anti-freeze, precious metals, paper products, and used oil.

b. Requirements.**(1) Used Oil**

(a) Used oil that is recycled in some manner other than being burned for energy recovery may be exempt from certain RCRA requirements.

(b) Used oil containing more than 1000 parts per million (ppm) of total halogens is presumed to be a hazardous waste. This presumption may be rebutted by demonstrating that the used oil does not contain significant concentrations of halogenated hazardous constituents or that the constituents are only from hazardous waste generated by conditionally exempt small quantity generators.

(c) Used oil that is burned for energy recovery is regulated under RCRA (40 C.F.R. § 266.40).

(d) Some States regulate used oil as a hazardous waste; those regulations must be examined by individual FAA facilities for applicability.

(2) Batteries.

(a) Waste lead acid batteries that are not recycled must be treated as hazardous waste.

(b) Persons who generate, transport, or collect spent batteries or who store spent batteries that are recyclable are not subject to full regulation under RCRA (40 C.F.R. § 266.80). Wet and dry lead acid batteries can be recycled through commercial battery recyclers.

125. ACTIONS WHICH MAY BE REQUIRED AT FAA FACILITIES.

a. Ascertain whether any facilities generate solid waste that is considered hazardous under 40 C.F.R. Part 261.

(1) Determine whether EPA or the State administers the RCRA program for the location.

(2) If the State administers RCRA for the location, follow the applicable State rules.

b. Determine whether the facility is a conditionally exempt small quantity generator (CESQG), a small quantity generator (SQG), or a large quantity generator (LQG) and get the appropriate EPA identification number.

c. Assure that hazardous waste is not accumulated on-site for more than 90 days for a LQG, 180 days for SQG or CESQG, or 270 days for SQG or CESQG if transport is more than 200 miles.

d. Assure that hazardous waste is properly containerized, labeled, stored, manifested, and shipped to a properly permitted disposal facility.

e. Establish and maintain a system for manifesting off-site shipments of hazardous waste and retaining indefinitely the copy of the manifest which is signed and returned by the disposal facility.

f. In the unlikely event that a FAA facility treats, or disposes of waste or stores waste long enough to require a permit, file an appropriate permit application and comply with the TSD standards of either 40 C.F.R. Part 264 (permitted facilities) or 40 C.F.R. Part 265 (interim status facilities).

126.-129. RESERVED.



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CHAPTER 13. ASBESTOS

130. PURPOSE. This chapter identifies the applicable Federal requirements related to the management of asbestos and asbestos-containing building materials at AF facilities.

131. OVERVIEW.

a. In 1986, Congress amended the Toxic Substances Control Act (TSCA) with the Asbestos Hazard Emergency Response Act (AHERA), 40 C.F.R. Part 763, Subpart E, which requires the EPA to regulate the inspection, maintenance, and abatement of asbestos-containing materials (ACM) in schools. In addition, EPA was required to conduct a study of the hazards associated with asbestos in public buildings. As a result of the study, bills have been introduced in Congress to extend the provisions of AHERA to public buildings. However, to date the only legislation which has been passed to extend the coverage of the law to public buildings relates to the training required for asbestos workers, supervisors, inspectors, and project designers on abatement work in public buildings in the Asbestos School Hazard Reauthorization Act (ASHRA) of 1990, PL 101-637 Section 15 A1 and A2, November 28, 1990. The ASHRA of 1990 regulations are currently in the process of being developed. Recordkeeping requirements have not been established.

b. Under the Clean Air Act, EPA has established National Emission Standards for Hazardous Air Pollutants (NESHAP) for asbestos 40 C.F.R. Part 61, Subpart M. Separate standards have been established for owners or operators of asbestos mills; the construction of roads with asbestos material; manufacturing operations that use commercial asbestos; the owner or operator of a demolition or renovation activity; the owner or operator of an operation in which asbestos-containing material is applied by spraying; the owner or operator of a facility that installs asbestos-containing materials for insulation; the handling and disposal of asbestos waste from otherwise covered activities; and the operation of asbestos waste disposal sites. (See chapter 8 for additional information on NESHAP.)

c. Under the Occupational Safety and Health Act the Department of Labor has established standards to protect workers from hazards associated with asbestos. Occupational exposure to asbestos is covered in 29 C.F.R. § 1910.1001 and 29 C.F.R. § 1926.58. The OSHA general industry standard for asbestos 29 C.F.R. § 1910.1001 includes program and recordkeeping requirements for workers exposed to asbestos at or above the action level (0.1 fibers per cubic centimeter of air) or who are assigned a negative pressure respirator. To adhere to the prescribed program and recordkeeping requirements, the FAA shall:

(1) Establish and implement a written program to reduce employee exposure to or at below the time weighted average (TWA) limit (29 C.F.R. § 1910.1001(f)(2)).

(2) Establish a respiratory protection program in accordance with 29 C.F.R. § 1910.134(b), (d), (e), and (f). All fit-testing results shall be maintained in each office for at least 3 years (29 C.F.R. § 1910.1001) Appendix C I(D), III(C), II(D).

(3) Provide a copy of the physician's written opinion to the employee within 30 days from its receipt (29 C.F.R. § 1910.1001(l)(7)(iii)).

(4) Keep an accurate record of all measurements of employee exposure to asbestos (29 C.F.R. § 1910.1001(m)(1)(i)).

(5) Establish a record of data to support the exemption where use of asbestos products is exempted (29 C.F.R. § 1910.1001(m)(2)(i)).

(6) FAA shall institute a medical surveillance program for all employees exposed or expected to be exposed to airborne concentrations of asbestos at or above the action level and/or excursion limit. (29 C.F.R. § 1910.1001(l)(1)(i)). FAA shall establish and maintain records for each employee subject to medical surveillance (29 C.F.R. § 1910.1001(m)(3)(i)).

(7) Ensure that records are maintained for the duration of employment plus 30 years (29 C.F.R. § 1910.1001(m)(1)(iii)).

(8) Maintain all employee training records for one year beyond the last date of employment (29 C.F.R. § 1910.1001(m)(4)).

d. 29 C.F.R. § 1926.58 refers to occupational exposure to asbestos in the construction industry. Recordkeeping requirements are the same as noted in 29 C.F.R. § 1910.1001 except different citation numbers are used.

132. DEFINITIONS.

a. **Action Level** is a level of airborne fibers specified by OSHA as a warning or alert level. It is 0.1 fibers per cubic centimeter (f/cc) of air over an 8-hour time-weighted average, as measured by phase contrast microscopy.

b. **Air Sample** is a measured volume of air that is pulled across a specialized filter. The filter is then analyzed for the presence of specific or non-specific fibers.

c. **Asbestos** is a generic name given to a number of naturally occurring hydrated mineral silicates that possess a unique crystalline structure, are incombustible in air, and are separable into fibers. Asbestos includes the asbestiform varieties of chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonite-grunerite), anthophyllite, actinolite, and tremolite.

d. **Asbestos-Containing Material (ACM)** is any material or product which contains more than 1 percent asbestos (AHERA definition).

e. **Bulk Sample** means samples of bulk material; in the case of asbestos, suspect material.

f. **Category I Nonfriable ACM** means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos as determined using Polarized Light Microscopy.

g. **Category II Nonfriable ACM** means any material which when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure, excluding Category I nonfriable ACM, containing more than 1 percent asbestos as determined using Polarized Light Microscopy.

h. **Excursion Limit** is 1.0 f/cc of air as averaged over a sampling period of thirty minutes.

i. **Fiber** means any airborne particulate, 5 micrometers or longer, with a length-to-diameter ratio of at least 3 to 1, as analyzed by phase contrast microscopy.

j. **Fit Test** is a part of the respiratory protection program which involves the physical testing which ensures a non leaking fit of a negative pressure respirator on an individual and for a positive pressure respirator that meets the OSHA Qualitative standard.

k. **Friable Asbestos Material** means any material containing more than 1 percent asbestos by Polarized light microscopy (PLM), that when dry can be crumbled, pulverized, or reduced to powder by hand pressure.

l. **Permissible Exposure Limit (PEL)** for asbestos means the 8-hour time-weighted average limit of 0.2 f/cc established by the Occupational Safety and Health Administration.

m. **Personal Protective Equipment (PPE)** is equipment, such as a hard-toed shoes, disposable clothing, gloves, respirator, etc., designed to protect a worker from certain workplace hazards.

n. **Phase Contract Microscopy (PCM)** is a method of analyzing air samples for fibers using a light microscope and specific counting procedures.

o. **Polarized Light Microscopy (PLM)** is a method of analyzing bulk samples for asbestos in which the sample is illuminated with polarized light (light which vibrates in only one plane) and viewed under a light microscope.

p. **Regulated Asbestos Containing Material (RDCM)** means:

(1) Friable asbestos material.

(2) Category I nonfriable ACM that has become friable.

(3) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading.

(4) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by 40 C.F.R. § 61.145.

q. **Time-Weighted Average (TWA)** is an exposure concentration averaged over a given time period, usually one full work shift of eight (8) hours.

133. ACTIONS WHICH MAY BE REQUIRED AT FAA FACILITIES.

a. The NESHAP Regulation requires an asbestos demolition and renovation operation to:

(1) Thoroughly inspect the facility or the part of the facility where the demolition or renovation operation will occur, for the presence of asbestos, including Category I and Category II nonfriable ACM.

(2) Provide written notice to the EPA for abatement projects involving applicable quantities of ACM (40 C.F.R. § 61.145(b)).

(3) Remove friable asbestos before demolition unless it meets one of the criteria listed in 40 C.F.R. § 61.145(c)(1)(i-iv).

(4) During removal of any RACM adequately wet any facility component covered with RACM following procedures for asbestos emission control (40 C.F.R. § 61.145(c)) and 40 C.F.R. § 61.150 for handling and transporting of asbestos waste.

(5) Follow all State and local regulations that apply to asbestos abatement which may be more stringent than Federal regulations.

b. **FAA Asbestos Control Program.** A program shall be directed by the RPMES and implemented by the Facility Asbestos Coordinator to protect AF employees and other building occupants from the potential health hazards associated with asbestos-related exposures until complete ACM removal. This shall be achieved through the implementation of the Asbestos Control Program. The Asbestos Control Program applies to all facilities owned, operated, controlled, or occupied by the FAA. This includes housing, as well as non-FAA-owned facilities that contain FAA personnel. The Asbestos Control Program consists of the following key elements and associated objectives:

(1) ACM Survey and Condition Assessment Reports.

(a) Conduct a building inspection to determine the location and extent of ACM at FAA facilities.

(b) Assess the condition of ACM relevant to employee exposure and fiber release potentials.

(c) Delineate appropriate actions to minimize employee exposure, including cleaning, maintenance and abatement actions.

(d) Notify AF employees regarding ACM location, extent and condition as delineated in the ACM Survey and Condition Assessment Report for their facility.

(2) Operations and Maintenance (O&M) Program.

(a) Implement an O&M program which provides guidelines and procedures relevant to O&M activities involving ACM, including emergency response actions and procedures for FAA management of asbestos in place.

(b) Implement actions outlined in the ACM Survey and Condition Assessment Report.

(c) Provide guidelines for periodic reinspection of FAA facilities containing ACM and update associated ACM Survey and Condition Assessment Reports.

(d) Delineate appropriate employee training requirements.

(e) Refer to chapter 11 of this order for transportation of hazardous materials and hazardous waste. Follow EPA regulations 40 C.F.R. § 61.145 and 40 C.F.R. § 61.150 for handling and transporting of asbestos waste.

(3) **Abatement Action.** Provide plans and specifications for large-scale abatement actions for projects involving greater than three square or three linear feet of ACM requiring the services of a licensed contractor.

134.-139. RESERVED.



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CHAPTER 14. POLYCHLORINATED BIPHENYLS (PCB)

140. PURPOSE. This chapter identifies those sections of applicable Federal statutes and regulations which control the use and disposal of polychlorinated biphenyls (PCB) toxic materials expected to be used at many FAA facilities. In particular, these materials include, but are not limited to, dielectric fluids contained in: electrical transformers, capacitors, and switches and in certain types of fluorescent light ballasts.

141. OVERVIEW. Prior to the passage of the Toxic Substances Control Act (TSCA) of 1976, there was no general Federal requirement that the thousands of new chemicals developed each year be tested for their potential environmental or health effects before they were introduced into commerce. TSCA establishes such a testing program, requires manufacturing notices for chemicals produced. In addition, Section 6(e) of TSCA gives EPA authority to regulate the manufacture, importation, processing, distribution in commerce, use, disposal and labeling of PCB's and items containing PCB's.

a. See chapter 3 of this order for environmental safety and health requirements related to handling toxic materials.

b. See chapter 12 of this order for information on hazardous waste management.

142. DEFINITIONS.

a. **Polychlorinated Biphenyl (PCB)** means any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of substances which contains such substance (40 C.F.R. § 761.3).

b. **PCB Article** means any manufactured article, other than a PCB container, that contains PCB's and whose surface(s) has been in direct contact with PCB's. PCB Article includes capacitors, transformers, electric motors, pumps, pipes and any other manufactured item. (40 C.F.R. § 761.3)

(1) Which is formed to a specific shape or design during manufacture.

(2) Which has end use function(s) dependent in whole or in part upon its shape or design during end use.

(3) Which has either no change of chemical composition during its end use or only those changes of composition which have no commercial purpose separate from that of the PCB Article.

c. **Totally Enclosed Manner** means any procedure that will ensure no exposure of human beings or the environment to any concentration of PCB's. (40 C.F.R. § 761.3)

d. **Waste Oil** includes used products primarily derived from petroleum, which include, but are not limited to, fuel oils, motor oils, gear oils, cutting oils, transmission fluids, hydraulic fluids, and dielectric fluids. (40 C.F.R. § 761.3)

e. **PCB Transformer** means any transformer that contains 500 ppm PCB or greater (40 C.F.R. § 761.3).

f. **PCB Contaminated Transformer** is a retrofilled mineral oil PCB transformer tested for 3 months after installation for reclassification purposes whose PCB concentration is between 50 and 500 ppm (40 C.F.R. § 761.30(a)(1)(c)(2)(iii)).

143. TOXIC SUBSTANCES CONTROL ACT (TSCA), 15 U.S.C. 2601, et seq.

a. **Purpose.** To provide adequate information on the development and effect of chemical substances released into the environment and to provide adequate regulations for these substances. TSCA includes provisions regarding:

- (1) Testing of chemical substances
- (2) Premanufacturing notices
- (3) Asbestos Hazardous Emergency Response Act (See chapter 13 regarding asbestos issues).
- (4) PCB's regulation (40 C.F.R. Part 761).

b. **Federal Facilities.** Pursuant to Section 20 of TSCA, Federal agencies are implicitly required to comply with all substantive and procedural requirements and regulations.

c. **Regulating Agency.** U.S. Environmental Protection Agency.

d. **PCB's.**

(1) **General Requirements.**

(a) The use of or the manufacture, processing, and distribution in commerce of PCB's in the United States or for export is prohibited except as otherwise determined by EPA.

(b) Uses of PCB's that EPA has determined do not pose an unreasonable risk to human health or the environment are allowed. These uses include, but are not limited to, use in and servicing of transformers and mining equipment; and use in heat transfer systems.

(c) Except for the use of PCB's in a "totally enclosed manner," other uses of PCB's in concentrations of 50 ppm or greater are prohibited (40 C.F.R. § 761.20).

(d) The uses of used or waste oil that contains PCB's are restricted (40 C.F.R. § 761.20(d), (e)).

(e) PCB containing items must be marked and labeled.

(f) The storage of PCB's and PCB items is subject to specific requirements (40 C.F.R. § 761.65).

(g) The methods for disposal of PCB waste are also subject to regulation (40 C.F.R. § 761.60).

(h) Spills and releases of PCB's must be cleaned up in accordance with EPA requirements (40 C.F.R. § 761.120).

(2) **Variances.** Any person may petition EPA to exempt a specific activity involving PCB's from the general ban. EPA can grant such an exemption for up to one year if it determines that the specific activity will not present an unreasonable risk and that good faith efforts have been made to develop safe chemical substitutes for such PCB's.

(3) **Marking Requirements.** Subpart C of 40 C.F.R. Part 761 lists the types of items that must be marked with standardized PCB warning labels (40 C.F.R. § 761.40) and gives the standardized format for marking labels (40 C.F.R. § 761.45). The list includes, but is not limited to, PCB containers, transformers, electrical, hydraulic and heat transfer equipment, storage areas (including areas of access to any area that contains such equipment). In addition to the items listed in 40 C.F.R. § 761.40, PCB marking regulations apply to the compressors and pipes of natural gas pipelines when the liquids in them contain any measurable concentration of PCB's (40 C.F.R. § 761.30(i)).

(4) **Labeling Procedure.**

(a) The standard formats for large and small PCB labels (known as M_L and M_S, respectively) are set forth in 40 C.F.R. § 761.45. These formats must be used whenever PCB warning marks are required.

(b) A PCB transformer can be marked with non-standardized labels if such labels were in place prior to August 15, 1985, the primary fire department that serves that area accepts the alternate label, and the EPA Regional Administrator approves its use (40 C.F.R. § 761.40(j)).

(5) **Storage Requirements.** When PCB's and PCB items (articles or containers) are removed from use, they may be stored for up to one year while awaiting reuse. PCB's and PCB items removed from use but not intended for reuse may only be stored for a limited period of time. Items removed for disposal must be completely disposed of within one year from the removal date, thus limiting the storage period to less than one year.

(6) **Storage Restrictions.** The following restrictions apply to such storage (40 C.F.R. § 761.65):

(a) All PCB's and PCB items must be marked to indicate the date the PCB's were removed from use.

(b) The facility must be properly constructed to contain spills, and the operators must inspect stored PCB's every 30 days, keep records of inspections, and prepare and maintain on file an annual report (40 C.F.R. § 761.65(b), (c)(5), (c)(9), and 40 C.F.R. § 761.80).

(c) Certain non-leaking PCB items at concentrations between 50 and 500 ppm can be stored for 30 days in areas that do not comply with the storage facility requirements, if a Spill Prevention Control and Countermeasure Plan has been prepared in accordance with 40 C.F.R. Part 112 (40 C.F.R. § 761.65(c)(1)).

(d) Certain non-leaking PCB electrical equipment can be stored on pallets next to proper storage facility, if certain conditions are met (40 C.F.R. § 761.65(c)(2)).

(7) Disposal Requirements.

(a) Paragraph 360e of Order 1050.14A establishes more stringent requirements for disposal and specifically requires incineration unless the item is listed in that paragraph as available for disposal as municipal waste.

(b) PCB wastes may be disposed of only by certain permissible methods for the particular type of waste. EPA allows disposal by incineration, placement in a chemical waste landfill, and burning in a high efficiency boiler (40 C.F.R. § 761.60). No one may lawfully avoid a disposal requirement by diluting liquid PCB's to a lower concentration (40 C.F.R. § 761.1(b)), or by processing them into a non-liquid form (40 C.F.R. § 761.60(a)(4)).

(c) **Variance.** The EPA Regional Administrator has authority to approve alternative methods of disposal, provided those methods meet certain performance standards (40 C.F.R. § 761.60(a)).

(8) Spill Cleanup Policy Requirements. Except for spills that occurred before May 4, 1987 (which shall be cleaned up at the direction of EPA), all spills shall be cleaned up in accordance with the policy established by EPA at 40 C.F.R. § 761.125. Sampling to assure appropriate cleanup must be undertaken in accordance with 40 C.F.R. § 761.130.

(9) Recordkeeping and Reporting Requirements.

(a) Owners or operators of facilities using or storing at any one time at least 45 kilograms or more of PCB's in PCB containers, one or more PCB transformers, or 50 or more Large High or Low Voltage PCB Capacitors shall develop and maintain at the facility annual records and logs (to be prepared by July 1 of each year) in accordance with 40 C.F.R. § 761.180. Annual records and logs must be retained for at least 3 years after the facility ceases using or storing such PCB's.

(b) All generators, storers, transporters, or disposers of PCB waste must comply with notification and manifest requirements (40 C.F.R. § 761.202).

(c) Paragraph 330 of Order 1050.14A requires an annual report inventorying PCB items that were removed from service and reporting the disposition of the items. This report is due to AEE-1 by February 15 each year and is to be facility-specific.

(10) Enforcement.

(a) Section 16 of TSCA allows citizen suits for violations of TSCA.

(b) Civil penalties of up to \$25,000 per violation may be assessed pursuant to Section 16 of the Act.

(c) Criminal penalties can also be assessed if any person knowingly or willfully violates the provisions of the Act.

(d) Comply with record-keeping and reporting requirements.

144. ACTIONS WHICH MAY BE REQUIRED AT FAA FACILITIES.

a. Determine whether equipment currently in use or which is out of service but is still located at an FAA facility contains PCB's.

b. Comply with FAA PCB Order 1050.14A in removing existing PCB materials. Include PCB waste as part of the regions overall Hazardous Waste Management Program. (See chapter 12).

c. For personnel safety when working with PCB's, follow recommended precautions using properly trained and qualified personnel.

d. Assure that an appropriately trained and licensed hauler is used for the transportation of PCB waste materials.

145.-149. RESERVED.

CHAPTER 15. PESTICIDES AND HERBICIDES

150. PURPOSE. This chapter identifies the applicable Federal requirements for the use and control of pesticides, and herbicides at FAA facilities.

151. OVERVIEW. In 1947, Congress enacted the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). The Act has been extensively strengthened by several amendments. The Act requires that pesticides, including herbicides, distributed in commerce be registered with the United States Department of Agriculture (USDA) and contain a label and that the application and disposal of pesticides meet stringent requirements.

152. DEFINITIONS.

a. **Certified Applicator** is any individual who is certified under Section 4 of FIFRA to use or supervise the use of any pesticide which is classified for restricted use.

b. **Commercial Applicator** is any applicator who uses or supervises the use of any pesticide which is classified for restricted use for any purpose or on any property other than that of the private applicator.

c. **Metallo-Organic Pesticides** are a class of organic pesticides containing one or more metal or metalloid atoms in the structure.

d. **Organic Pesticides** are those carbon-containing substances used as pesticides, excluding metallo-organic compounds.

e. **Pesticide** is any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or which is intended for use as a plant regulator, defoliant or desiccant.

f. **Regulated Pest** is a specific organism considered by a Federal or State agency to be a pest requiring regulatory restrictions, regulations, or control procedures in order to protect the host, man, and/or the environment.

g. **Restricted Use** is the limitation placed on pesticides that may, without additional regulatory restrictions, cause unreasonable adverse effects on the environment, including injury to the applicator.

153. FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT (FIFRA), 7 U.S.C. 136, et seq.

a. **Purpose.** The sale, distribution, registration, and application of pesticide products is subject to regulation. In general, only the application and disposal requirements are pertinent to FAA facilities.

b. **Federal Facilities.** All Federal agencies are required to meet the requirements specified in FIFRA. However, under Section 18 of the Act, the EPA Administrator may exempt any Federal or State agency from any provisions of FIFRA if an existing emergency condition warrants such exemption. The exemptions are promulgated under 40 C.F.R. Part 166.

c. **Regulating Agency.** U.S. Environmental Protection Agency, unless the State has adopted adequate pesticide use laws and regulations.

d. **Application of Restricted Use Pesticides.**

(1) **Requirements.** Applicators of pesticides must be certified by EPA or the State if the State has its own program. There are several categories of commercial applicators of pesticides including, but not limited to, regulatory pest control. This category includes State, Federal, or other government employees who use or supervise the use of restricted use pesticides in the control of regulated pests.

(2) **Standards.** All commercial applicators, including Federal employees, must meet certain general standards including, but not limited to, practical knowledge and competency in labeling, safety, environmental, pests, pesticides and application techniques. Regulatory pest control applicators must also meet specific standards of competency including demonstrating practical knowledge of regulated pests, applicable laws related to quarantine, and the potential impact of the restricted use pesticides on the environment (40 C.F.R. § 171.4(c)(9)).

(3) **Federal Facilities.** Federal agencies may certify and train Federal employees to apply restricted-use pesticides on Federal facilities. However, FAA policy requires that restricted-use pesticides be applied by a certified commercial applicator.

(4) **Recordkeeping.** Certified applicators of restricted-use pesticides are required to maintain records comparable to those maintained by commercial applicators in each State. If there is no State record-keeping requirement, the certified applicator must maintain records, including date and location of application, for at least 2 years after use.

e. **Disposal of Pesticides. Requirements.**

(1) Procedures for disposal, including recordkeeping requirements, of organic pesticides, metallo-organic pesticides, and organic mercury, lead, cadmium, arsenic, and all inorganic pesticides found under 40 C.F.R. § 165.8.

(2) Disposal procedures for pesticide containers and residues are contained in 40 C.F.R. § 165.9.

(3) Removal procedures and criteria for storage of pesticides and pesticide containers are found in 40 C.F.R. § 165.10.

(4) Procedures for pesticide-related waste disposal are in 40 C.F.R. § 165.11.

f. **Enforcement.**

(1) FIFRA allows the imposition of civil penalties of up to \$5,000 against any registrant, commercial applicator, wholesaler, dealer, retailer, or other distributor who violates any provision of the Act.

(2) Criminal penalties of up to \$50,000 or imprisonment or both, can be assessed against any registrant, applicant for a registration, or producer who knowingly violates any provisions of the Act. In addition, commercial applicators who knowingly violate any provisions of FIFRA may be assessed up to \$25,000 in criminal penalties or imprisoned for not more than one year, or both.

154. OTHER STATUTES.

a. Under Section 408 of the Food, Drug and Cosmetic Act, the EPA Administrator has authority to issue regulations exempting any pesticide from the coverage of the Act if a tolerance limit for that substance is unnecessary to protect the public health.

b. Pesticides in the air may be regulated under Section 112 of the Clean Air Act, related to hazardous air pollutants.

c. The Clean Water Act has at least three provisions that are applicable to pesticides.

(1) Under Section 301, pesticide manufacturers and formulators must apply for discharge permits if they release pesticide effluents into any body of water.

(2) Pesticides may be controlled under Section 307 of the Act which govern toxic substances.

(3) Pursuant to Section 208 of the Act, the EPA is to identify and oversee problems of water pollution caused by agricultural activities, regulated at the State and local level.

d. RCRA requirements (40 C.F.R. Parts 260-268) apply to the disposal and management of pesticides that are classified as RCRA hazardous wastes (See chapter 12 for a discussion of these requirements).

155. ACTIONS WHICH MAY BE REQUIRED AT FAA FACILITIES.

a. When the application of a pesticide is required at a FAA facility, whenever possible use pesticides which are not classified as restricted-use by the EPA. Whenever adequate control can only be achieved through the use of restricted-use pesticides, their application shall be by contract with certified commercial applicators.

b. Inventory FAA facilities to determine whether restricted-use pesticide products are being stored and, if so, properly dispose of the products.

c. Under the Environmental Restoration Program, assess sites for contamination resulting from the past use of pesticides and undertake remediation, if appropriate.

156.-159. RESERVED.



CHAPTER 16. FUEL STORAGE TANKS

160. PURPOSE. This chapter identifies the applicable Federal requirements related to installation, management, and closure of underground storage tanks (UST) and aboveground storage tanks (AST) containing fuels such as heating oil and fuel oil. Regulations for AST's are changing; therefore, it is important to contact the RPMES before proceeding with a fuel storage tank activity.

161. OVERVIEW.

a. RCRA, Subtitle I, requires the EPA to establish a regulatory program for the siting and installation of UST's containing regulated substances (including petroleum products), the detection and prevention of releases from UST's, and for the corrective action required to remediate such releases. Subtitle I also requires that UST owners notify the appropriate Federal or State agency of the existence of UST's. Regulations implementing Subtitle I are set forth in 40 C.F.R. Part 280.

b. There are no Federal regulatory requirements for AST's, although regulations are proposed. However, AST's and UST's must also be operated, designed, installed, and constructed in accordance with National Fire Protection Association (NFPA) Standards. NFPA standards are not Federal requirements but must be complied with because they have been incorporated into most local building codes.

162. DEFINITIONS.

a. The following definitions are set forth in 40 C.F.R. § 280.12 and apply to underground fuel storage tanks. All terms not otherwise defined herein shall have the meaning ascribed to them in Order 1050.15 or applicable laws and regulations.

(1) **Change in Service** means the continued use of a regulated UST to store nonregulated substances.

(2) **Existing Tank** means a tank or tank system used to contain an accumulation of regulated substances, or for which installation commenced on or before December 22, 1988; installation is considered to have commenced if the owner or operator has obtained all Federal, State, and local approvals or permits necessary to begin physical construction of the site or installation of the UST, and a continuous on-site physical construction or installation program has begun; or the owner or operator has entered into contractual obligations, which cannot be canceled or modified without substantial loss, for physical construction at the site or installation of the UST to be completed within a reasonable time.

(3) **New Tank** means a tank or tank system that will be used to contain an accumulation of a regulated substance, and for which installation commenced after December 22, 1988.

(4) **Petroleum** means crude oil or any fraction of crude oil that is liquid at 60 degrees Fahrenheit and pressure of 14.7 pounds per square inch absolute and includes petroleum-based substances comprised of a complex blend of hydrocarbons derived from crude oil through processes of separation, conversion, upgrading, and finishing, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils.

(5) **Regulated Substance** means any substance defined in Section 101(14) of CERCLA (excluding substances regulated as a hazardous waste under RCRA Subtitle C), and petroleum.

(6) **Underground Storage Tank (UST)** means one or a combination of stationary devices, including underground pipes connected to the devices, that is designed to contain an accumulation of regulated substances, the volume of which, including the volume of underground pipes, is 10 percent or more beneath the surface of the ground, except that the term does not include a:

(a) Tank used for storing heating oil for consumptive use on the premises where stored.

(b) Septic tank.

(c) Surface impoundment, pit, pond, or lagoon.

(d) Stormwater or waste water collection system.

(e) Flow-through process tank.

(f) Storage tank situated in an underground area such as a basement, if the storage tank is situated above the surface of the floor.

(g) Tank with a capacity of 110 gallons or less.

(h) Tank containing hazardous waste regulated under Subtitle C of RCRA.

(7) **UST System** means an underground storage tank, connected underground piping, underground ancillary equipment, and containment system, if any.

b. The following definitions apply to Fuel Storage Facilities regulated pursuant to 40 C.F.R. Part 112. These definitions may not be applicable to requirements promulgated pursuant to RCRA Subtitle I.

(1) **Oil** means oil of any kind or in any form, including but not limited to petroleum fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoils.

(2) **Transportation-Related Facility** means any facility which safely transfers and transports oil, such as a railroad, shipping line, and pipeline.

(3) **Navigable Waters** include interstate waters; and intrastate lakes, rivers and streams which are used by interstate travelers or from which fish or shell fish are taken and used in interstate commerce. (Any facility at which oil could reach a sewerline which in turn flows into a surface water directly or indirectly is subject to SPCC requirements).

163. RESOURCE CONSERVATION AND RECOVERY ACT, 42 U.S.C. 6991, et seq. (SUBTITLE I).

a. Purpose. Subtitle I of RCRA authorizes the Environmental Protection Agency (EPA) to promulgate standards related to UST's as that term is defined in Section 133.f above regarding (Note: Certain UST's including those used for storing heating oil for use on premises are not regulated pursuant to Subtitle I):

- (1) Registration.
- (2) Design, construction, and installation.
- (3) Release detection.
- (4) Overfilling.
- (5) Closure.
- (6) Corrective action for releases.
- (7) Recordkeeping.

b. Federal Facilities. Under Section 9007 of RCRA, as amended, an agency of the Federal government having jurisdiction over any UST containing a regulated substance is subject to and is required to comply with all substantive and procedural Federal, State, interstate, and local requirements applicable to such tank to the same extent as any other person, including the payment of reasonable service charges.

c. Regulating Agency. The regulating agency is the U.S. EPA, unless the State is authorized to administer the program.

d. UST Design, Construction, and Installation Requirements.

(1) New UST systems must be designed, constructed, and installed to prevent releases due to corrosion or structural failure for the life of the system (40 C.F.R. § 280.20).

(2) By no later than December 22, 1998, all existing UST's must comply with the spill/overfill prevention and corrosion protection standards for new tanks provided in 40 C.F.R. § 280.21, including compliance with the release detection requirements at 40 C.F.R. § 280.40, or the upgrading requirements in 40 C.F.R. § 280.21; or the permanent closure requirements in 40 C.F.R. § 280.70.

(3) All UST repairs shall be performed in accordance with the standards contained in 40 C.F.R. § 280.33.

e. UST Release Detection Requirements. Upon installation, all new UST's shall have a method, or combination of methods, of release detection that meets the performance requirements described in 40 C.F.R. § 280.40 and that can detect a release from any part of the tank, including the connected underground piping, that routinely contains a regulated substance; is installed, calibrated, operated, and maintained according to the manufacturer's instructions, including routine maintenance and service checks for operability or running condition; and meets the performance requirements of 40 C.F.R. §§ 280.43-.44.

f. UST Release Notification. When a release detection method indicates a release may have occurred, the owner and operator must notify the authorized agency within 24 hours and make an investigation in accordance with 40 C.F.R. § 280.50.

g. UST Closure Requirements. Unless otherwise required by State regulations:

(1) An UST that is temporarily closed must continue to meet corrosion protection and release detection requirements unless it is "empty" as defined in 40 C.F.R. § 280.70(a).

(2) If an UST is temporarily closed for more than three months, all vent lines shall be left open and functioning, and all other lines and ancillary equipment shall be capped and secured.

(3) Unless approval has been received from EPA, all UST's temporarily closed for more than 12 months must be permanently closed in accordance with the standards at 40 C.F.R. § 280.20 or the upgrading requirements of 40 C.F.R. § 280.21 (40 C.F.R. § 280.70(c)) and a site assessment as required by 40 C.F.R. § 280.72 must be completed.

(4) The following procedures must be followed for UST's permanently closed after December 22, 1988, or when there is a change in service:

(a) EPA or the State must be notified at least 30 days prior to initiating a permanent closure or a change in service.

(b) A site assessment must be performed in accordance with 40 C.F.R. § 280.72.

(c) Tanks shall be emptied and cleaned and filled in with an inert solid material or removed.

(d) Releases shall be cleaned up in accordance with the corrective action requirements in 40 C.F.R. § 280.60.

h. Requirements for Suspected or Known Releases from UST's or Fuel Storage Tanks. If a release of a regulated substance from an UST is suspected, the following procedures shall be followed:

(1) Investigate to confirm the release by conducting either a site assessment in accordance with 40 C.F.R. § 280.52(b), or a system test in accordance with 40 C.F.R. § 280.52(a).

(2) Report the confirmed release in the manner and at the times described in 40 C.F.R. § 280.53.

(3) Implement initial abatement and release investigation in accordance with 40 C.F.R. § 280.62.

(4) Implement corrective action in accordance with 40 C.F.R. § 280.60, et seq., as appropriate.

i. **Reporting/Recordkeeping.** 40 C.F.R. § 280.34 summarizes the various agency reporting and recordkeeping requirements associated with UST registration, releases, site assessments, and corrective actions.

j. **Operations Requirements.** Once tanks are placed in operation, steps must be taken to prevent spills and accidental overfills 40 C.F.R. § 280.30. Owners and operators of UST systems must comply with the operational requirements of 40 C.F.R. § 280.31, including corrosion prevention measures. UST systems must be made of or lined with materials compatible with the substance stored in the system.

164. OIL POLLUTION PREVENTION (40 C.F.R. Part 112).

a. **Purpose.** 40 C.F.R. Part 112 establishes procedures, methods, and equipment to prevent the discharge of oil into or upon navigable waters of the United States. All non-transportation related facilities engaged in storing oil and oil products are required to prepare, maintain, and implement an SPCC plan except for the following. Facilities with total aboveground storage capacity of 1,320 gallons or less, provided no single container is larger than 660 gallons, and with total underground storage capacity of 42,000 gallons or less are not required to maintain a plan. Facilities which due to their location could not be reasonably expected to discharge oil into or upon navigable waters of the United States or adjoining shore lines are not required to maintain a plan.

b. **Federal Facilities.** Departments, agencies, and instrumentalities of the Federal government are subject to SPCC requirements (Clean Water Act Section 313).

c. **Implementing Agency.** U.S. EPA is responsible for implementing 40 C.F.R. Part 112 at all non-transportation related facilities. All transportation-related facilities are regulated by the U.S. DOT.

d. **SPCC Requirements.** Regulated facilities are required to prepare maintain and implement a SPCC plan.

(1) General information including the name and location of facility with facility diagram; contact list including FST Coordinator, National Response Center, Fire Department, State Emergency Response Center, Clean-up Contractor, etc.; and the name, address, and phone number of the owner operator.

(2) Emergency planning procedures and certification of the plan by a registered engineer.

(3) Information on spill incidents that were not contained and corrective measures taken should be described.

(4) Potential spill sources and the nearest navigable water should be identified.

e. **Reporting and Recordkeeping.** Facilities are required to maintain SPCC plans and prepare and maintain reports after each inspection of fuel tank containment systems as required by the SPCC plan.

f. **Proposed Changes to 40 C.F.R. Part 112** published in the Federal Register on October 22, 1991, would:

(1) Consider facilities with bunkered tanks, partially buried tanks and tanks in subterranean vaults to be aboveground storage tanks.

(2) Exempt UST's subject to the technical requirements of 40 C.F.R. Part 280 from SPCC regulations.

(3) Require written notification to EPA of existing and new tank facilities.

(4) Expand the definition of navigable waters.

165. ACTIONS WHICH MAY BE REQUIRED AT FAA FACILITIES. Comply with FAA directives regarding UST's, AST's, and heating oil tanks.

166.-169. RESERVED.

APPENDIX 1. APPLICABLE DIRECTIVES

Order 1050.1D, Policies and Procedures for Considering Environmental Impacts, dated December 5, 1986, as amended.

Order 1050.10B, Prevention, Control, and Abatement of Environmental Pollution at FAA Facilities, dated September 16, 1991.

Order 1050.11A, Noise Control Planning, dated January 13, 1986.

Order 1050.12, Application of Nonrestricted and Restricted-Use Pesticides, dated April 28, 1978.

Order 1050.13A, Replacement, Apportionment, and Compliance Plans Submitted under Subpart E of Federal Aviation Regulations (FAR) Part 91, dated October 22, 1984.

Order 1050.14A, Polychlorinated Biphenyls (PCB) in the National Airspace System, dated June 20, 1991.

Order 1050.15, Underground Storage Tanks at FAA Facilities, dated August 17, 1987.

Order 1050.16, Implementation Guidelines for Compliance with Underground Storage Tanks (UST) Regulations, dated March 16, 1989.

Order 3900.6A, Occupational Safety Program for Airway Facilities Personnel, dated January 21, 1972.

Order 3900.19A, Occupational Safety and Health, dated July 20, 1982.

Order 3900.23, Report of AF Occupational Safety Program, February 1971.

Order 3900.24A, Accident and Fire Reportings, dated February 27, 1976.

Order DOT 3902.6, Departmental Occupational Safety and Health Management Information System, dated March 24, 1975.

Order 3910.2A, Occupational Health Programs, dated January 5, 1973, which states the responsibilities of the Office of Aviation Medicine.

Order 3910.5, Asbestos Control Program, dated February 19, 1986.

Order 5200.5A, Waste Disposal Sites on or near Airports, dated January 31, 1990.

AEE Interim Policy Guidance: FAA Compliance with EPA Phaseout of Chlorofluorocarbons, dated July 23, 1991.

AEE FAA Hazardous Property Management Manual, undated.

AEE Letter of Understanding on Environmental Responsibilities within the FAA, dated September 24, 1990.

APPENDIX I. APPLICABLE DIRECTIVES (Continued)

U.S. DOT Memorandum from Ronald D. Keefer, Director of the Office of Administrative Services and Property Management, regarding compliance with Title III of SARA, dated December 29, 1988.

APPENDIX 2. FEDERAL STATUTES

All FAA facilities shall be designed, constructed, managed, operated, and maintained so as to conform with the applicable Federal Environmental statutes, including, but not limited to, the applicable provisions of the following:

1. AHERA Asbestos Hazard Emergency Response Act of 1986
 P.L. 99-519; 100 Stat 2984; 15 U.S.C. 2641-2655
 (see also Toxic Substances Control Act,
 Sections 201-214)
2. AEA Atomic Energy Act of 1954
 (68 Stat 921; 42 U.S.C. 2011, et seq.)
 amended 1957 (P.L. 85-256; 71 Stat 576)
 amended 1964 (P.L. 88-489; 78 Stat 602)
3. CAA Clean Air Act Amendments of 1977
 (P.L. 95-95; 91 Stat 685; 42 U.S.C. 7401 et seq)
 amended by Clean Air Act Amendments of 1990
 (P.L. 101-549)
4. CERCLA Comprehensive Environmental Response, Compensation and
 Liability Act of 1980
 (P.L. 96-510; 94 Stat 2767; 42 U.S.C. 9601 et seq)
 amended by the Superfund Amendments & Reauthorization Act of
 1986 (P.L. 99-499;
 100 Stat 1617)
5. CWA Clean Water Act (1977)
 amendment to, and common title for, the Federal Water
 Pollution Control Act
6. EPCRA Emergency Planning and Community Right-To-Know Act of 1986
 (P.L. 99-499; 100 Stat 1730; 42 U.S.C. 11001-11050)
 (see also SARA and CERCLA)
7. ESA Endangered Species Act of 1973
 (P.L. 93-205; 87 Stat 844; 16 U.S.C. 1531-1544)
 amended: 1979--P.L. 96-159; 93 Stat 1225
 1982--P.L. 97-304; 96 Stat 1426
 1988--P.L. 100-478; 102 Stat 2315
8. FFCA Federal Facility Compliance Act of 1992
 (P.L. 102-386)
9. FIFRA Federal Insecticide, Fungicide & Rodenticide Act
 Amendments of 1988
 (P.L. 100-532; 102 Stat 2655; 7 U.S.C. 136-136y)

APPENDIX 2. FEDERAL STATUTES (Continued)

10. FLPMA Federal Land Policy and Management Act of 1976
(P.L. 94-579; 90 Stat 2743; 43 U.S.C. 1701 et seq)
11. FWPCA Federal Water Pollution Control Act Amendments
of 1972
(P.L. 92-500; 86 Stat 896; 33 U.S.C. 1251 et seq)
amended by:
Clean Water Act of 1977 (P.L. 95-217; 91 Stat 1566)
Water Quality Control Act of 1987 (P.L. 100-4; 101 Stat 76)
12. HMTA Hazardous Materials Transportation Act Amendments of 1976
(P.L. 93-633; 88 Stat 2156; 49 U.S.C. 1801 et seq)
amended by:
P.L. 94-474; 90 Stat 2068
Hazardous Materials Transportation Uniform Safety Act of 1990,
49 App. U.S.C. 1801, et seq.
13. HSWA Hazardous and Solid Waste Amendments of 1984
(see Solid Waste Disposal Act)
14. LCCA Lead Contamination Control Act of 1988
(P.L. 100-572; 102 Stat 2884; 42 U.S.C. 300j21-300j26)
(see also Public Health Service Act)
15. LLW Low-Level Radioactive Waste Policy Act
(P.L. 99-240; 99 Stat 1842; 42 U.S.C. 2021b-2021j)
16. MWTA Medical Waste Tracking Act of 1988
(P.L. 100-582; 100 Stat 2950; 42 U.S.C. 6992-6992k)
(see also Solid Waste Disposal Act)
17. NCA Noise Control Act of 1972
(P.L. 92-574; 86 Stat 1236; 42 U.S.C. 4901-4918)
amended by: Quiet Communities Act of 1978
(P.L. 95-609; 92 Stat 3079)
18. NEPA National Environmental Policy Act of 1969
(P.L. 91-190; 83 Stat 852; 42 U.S.C. 4321 et seq.)
amended by: P.L. 94-52, July 3, 1975 and
P.L. 94-83, August 9, 1975
19. NHPA National Historic Preservation Act
(P.L. 89-665; 80 Stat 915; 16 U.S.C. 470)
amended by the NHPA Amendments of 1980
(P.L. 96-515; 94 Stat 2987)

APPENDIX 2. FEDERAL STATUTES (Continued)

- | | | |
|-----|----------|---|
| 20. | NWPA | Nuclear Waste Policy Act of 1982
(P.L. 97-425; 96 Stat 2202; 42 U.S.C. 10101 et seq.) |
| 21. | OSHA | Occupational Safety and Health Act of 1970
(P.L. 91-596; 84 Stat 1590; 29 U.S.C. 651 et seq.) |
| 22. | PHSA | Public Health Service Act
(42 U.S.C. 2001 et seq.) |
| 23. | RCRA | Resource Conservation and Recovery Act
(see Solid Waste Disposal Act) |
| 24. | SARA | Superfund Amendments & Reauthorization Act of 1986
(see CERCLA) |
| 25. | SDWA | Safe Drinking Water Act
(P.L. 93-523; 88 Stat 1660; 42 U.S.C. 300f et seq.)
as amended by SDWA Amendments of 1986
(P.L. 99-399; 100 Stat 642-646; 42 U.S.C. 300g-1 et seq.)
(see also Public Health Service Act) |
| 26. | SWDA | Solid Waste Disposal Act of 1965 (P.L. 89-272)
amended by: Resource Recovery Act (1970)
Resource Conservation and Recovery Act of 1976
(P.L. 94-580; 42 U.S.C. 6901 et seq.)
Solid Waste Disposal Act Amendments of 1980
(P.L. 96-482; 94 Stat 2334)
Used Oil Recycling Act of 1980 (P.L. 96-463; 94 Stat 2055)
Hazardous and Solid Waste Amendments of 1984
(P.L. 98-616; 98 Stat 3224)
Medical Waste Tracking Act of 1988
(P.L. 100-582; 100 Stat 2950) |
| 27. | TSCA | Toxic Substances Control Act (1976)
(P.L. 94-469; 90 Stat 2003; 15 U.S.C. 2601 et seq.) |
| 28. | WQA | Water Quality Act of 1987
(see Federal Water Pollution Control Act) |
| 29. | EO 11514 | Protection & Enhancement of Environmental Quality
March 5, 1970; 35 FR 4247.
Amended by EO 11991, May 24, 1977; 42 FR 26967. |
| 30. | EO 11988 | Floodplain Management
May 24, 1977; 42 FR 26951.
Amended by EO 12148, July 20, 1979; 44 FR 43239. |

APPENDIX 2. FEDERAL STATUTES (Continued)

- 31. EO 11990 Protection of Wetlands
May 24, 1977; 42 FR 26961.
Amended by EO 12608; Sept. 9, 1987; 52 FR 34617.
- 32. EO 12088 Federal Compliance with Pollution Control Standards
Oct. 13, 1978; 43 FR 47707.
Amended by EO 12580, Jan. 23, 1987; 52 FR 2923.
- 33. EO 12114 Environmental Effects Abroad of Major Federal Actions
January 4, 1979; 44 FR 1957.

APPENDIX 3. SUMMARY OF MINIMUM FEDERAL TRAINING REQUIREMENTS

Individual state or local requirements may be more stringent
than the Federal requirements listed.

Clean-up of Hazardous Substance Sites
29 C.F.R. § 1910.120(e)

Hours and Type of Class*Staff*

- | | |
|---|--|
| (1) General site employees
engaged in removal activity | 40 hours initial
24 hours field
8 hours annual refresher |
| (2) Employees on-site occasionally
for a specific limited task | 24 hours initial
8 hours field
8 hours annual refresher |

On-Site Managers and Supervisors

- | | |
|--|---|
| (1) On-site Managers and Supervisors
of (1) above | 40 hours initial
24 hours field
8 hours hazardous waste
management
8 hours annual refresher |
| (2) On-site Managers and Supervisors
of (2) above | 24 hours initial
8 hours field
8 hours hazardous waste
management
8 hours annual refresher |

**APPENDIX 3. SUMMARY OF MINIMUM FEDERAL TRAINING REQUIREMENTS
(Continued)**

Hazardous Waste Generators 40 C.F.R. § 265.16

1. General site employees Facility personnel must successfully complete an instruction program that at a minimum ensures the following:
 - a. Large-quantity generators: Ensures that they are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems. This program must be completed within six months after date of employment. An annual review of the initial training must also be completed. (State regulations may have more specific requirements).
 - b. Small-quantity generators: The generator must ensure that all employees are thoroughly familiar with proper waste-handling and emergency procedures that are relevant to their responsibilities during normal facility operations and for emergencies.

**APPENDIX 3. SUMMARY OF MINIMUM FEDERAL TRAINING REQUIREMENTS
(Continued)**

Hazardous Waste Treatment, Storage, and Disposal Sites

**Emergency Response to Hazardous Substance Releases
29 C.F.R. § 1910.120(q)(6)-(8)¹**

Level 1 - First responder (awareness) level ²	Sufficient training or proven experience in specific competencies Annual refresher
Level 2 - First responder (operations level) ³	8 hours or Level 1 competency and proven experience in specific competencies Annual refresher
Level 3 - HAZMAT technician ⁴	24 hours of Level 2 and proven experience in specific competencies
Level 4 - HAZMAT specialist ⁵	24 hours of Level 3 and proven experience in specific competencies Annual refresher
Level 5 - On-the-scene incident commander	24 hours of Level 2 and additional competencies Annual refresher

¹ For hazardous waste treatment, storage, and disposal sites, training requirements listed in 40 C.F.R. 264.16 must also be fulfilled.

² A person who witnesses or discovers a release of hazardous materials and who is trained to notify the proper authorities.

³ Responds to releases of hazardous substances in a defensive manner, without trying to stop the releases.

⁴ Responds aggressively to stop the release of hazardous substances.

⁵ Responds with and provides support to HAZMAT technicians, but who has specific knowledge of various hazardous substances.

**APPENDIX 3. SUMMARY OF MINIMUM FEDERAL TRAINING REQUIREMENTS
(Continued)**

**Hazard Communication where Hazardous Chemicals are used in the
Workplace
29 C.F.R. § 1910.1200(h)**

All employees	Information about the hazardous chemicals and hazardous communication program. Methods to detect presence or release of chemicals. Physical/health hazards Protective measures
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Asbestos

*29 C.F.R. § 1910.1001(j)(5); 29 C.F.R. § 1926.58(k);
40 C.F.R. § 763.92 (AHERA); 40 C.F.R. § 61.145(c)(8); and
56 FR 46380 (Sept. 12, 1991),
40 C.F.R. Part 763 Appendix C to Support E*

All employees	Initial and annual refresher on health effects, asbestos handled in workplace, protective measures, medical surveillance program for workplaces where employees are exposed to asbestos at or above permissible levels.
On-site foreman or supervisor supervisor for demolition and renovation work involving asbestos	Training in requirements of 40 C.F.R. § 61.145.(i)(8) Biennial refresher
Inspectors	24 hours initial Written exam 4 hours annual refresher
Management Planners	24 hour inspectors' course 16 hours additional 8 hours annual refresher Written exam
Abatement Project Designers	Either 24 hour project design course or 32 hour abatement contractor/ supervisor course Written exam 8 hours annual refresher

**APPENDIX 3. SUMMARY OF MINIMUM FEDERAL TRAINING REQUIREMENTS
(Continued)**

Asbestos (continued)

*29 C.F.R. § 1910.1001(j)(5); 29 C.F.R. § 1926.58(k);
40 C.F.R. § 763.92 (AHERA); 40 C.F.R. § 61.145(c)(8); and
56 FR 46380 (Sept. 12, 1991),
40 C.F.R. Part 763 Appendix C to Support E*

Abatement Workers	24 hours initial Written exam 8 hours annual refresher
Abatement Contractors/ Supervisors	32 hours initial Written exam 8 hours annual refresher
Maintenance/Custodial Staff All	2 hours (awareness) regardless of whether they are in an asbestos area
Maintenance Staff Those who may disturb asbestos during the course of their regular duties	2 hours (awareness) 14 hours additional operations and maintenance training



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APPENDIX 4. CATEGORICAL EXCLUSIONS/EXTRAORDINARY CIRCUMSTANCES

Excerpt from *The Airport Environmental Handbook* DOT/FAA 5050.4A,
October 8, 1985

23. CATEGORICAL EXCLUSIONS:

a. Unless specifically covered by paragraphs 21, 22, 24, or 26, the items below are categorically excluded from the requirement for formal environmental assessment. Paragraphs 21 and 22 identify specific airport actions such as major runway extensions which require, as a minimum, an environmental assessment. Paragraph 24 identifies extraordinary circumstances which create a requirement for environmental assessment of actions otherwise excluded. Paragraph 26 deals with cumulative impact. For any of the following specific items, paragraphs 21, 22, 24, and 26 shall be reviewed.

(1) Runway, taxiway, apron, or loading ramp construction or repair work including extension, strengthening, reconstruction, resurfacing, marking, grooving, fillets, and jet blast facilities, and new heliports on existing airports, except where such action will create environmental impacts off airport property.

(2) Installation or upgrading of airfield lighting systems, including runway and identification lights, visual approach aids, beacons and electrical distribution systems.

(3) Installation of miscellaneous items including segmented circles, wind or landing direction indicators or measuring devices, or fencing.

(4) Construction or expansion of passenger handling facilities.

(5) Construction, relocation, or repair of entrance and service roadway.

(6) Grading or removal of obstructions on airport property and erosion control actions with no off-airport impacts.

(7) Landscaping generally, and landscaping or construction of physical barriers to diminish impact of airport blast and noise.

(8) Projects to carry out noise compatibility programs.

(9) Land acquisition and relocation associated with any of the above items.

(10) Federal release of airport land (see paragraph 35).

(11) Removal of a displaced threshold.

**APPENDIX 4. CATEGORICAL EXCLUSIONS/EXTRAORDINARY
CIRCUMSTANCES (Continued)**

b. The following items are not subject to the paragraphs listed in a.. above and are categorically excluded:

(1) Acquisition of an existing privately-owned airport, as long as acquisition only involves change of ownership.

(2) Acquisition of security equipment required by rule or regulation for the safety or security of personnel and property on the airport (14 C.F.R. Part 107) safety equipment required by rule or regulation for certification of an airport (14 C.F.R. Part 139) or snow removal equipment.

(3) Issuance of airport planning grants.

(4) Airport Improvement Program actions which are tentative and conditional and clearly taken as a preliminary action to establish a sponsor's eligibility under the Program.

(5) Retirement of the principal of bond or other indebtedness for terminal development.

(6) Issuance of airport policy and planning documents including the National Plan for Integrated Airport Systems (NPIAS), Airport Improvement Program (AIP) priority system, advisory circulars on planning, design, and development programs which are not intended for direct implementation or which are issued by FAA as administrative and technical guidance to the public.

(7) Issuance of certificates and related actions under the Airport Certification Program 14 C.F.R. Part 139.

(8) Issuance of grants for preparation of noise exposure maps and noise compatibility programs per Sections 103(a) and 104(a) of the Aviation Safety and Noise Abatement Act of 1979 and 14 C.F.R. Part 150 determinations on noise exposure maps and approval of noise compatibility programs.

(9) Airspace determinations.

24. EXTRAORDINARY CIRCUMSTANCES. Proposed Federal actions which are normally categorically excluded but which have any of the following characteristics shall be the subject of an environmental assessment. The FAA will determine, in accordance with paragraph 51, whether the action will be the subject of an environmental impact statement or finding of no significant impact.

**APPENDIX 4. CATEGORICAL EXCLUSIONS/EXTRAORDINARY
CIRCUMSTANCES (Continued)**

a. An action that is likely to have an effect on properties protected under Section 106 of the Historic Preservation Act of 1966, as amended, or use Section 4(f) lands (see paragraphs 47e(8) and 27e(7), respectively), or involve acquisition and conversion of farmland scoring over 160 on Form AD-1006 and protected under the FPPA to nonagricultural use through Federal financial assistance or through conveyance of government land (paragraph 473(16)).

b. An action that is likely to be highly controversial on environmental grounds. A proposed Federal action is considered highly controversial when the action is opposed on environmental grounds by a Federal, state, or local government agency or by a substantial number of the persons affected by such action. If the responsible official has any doubt whether a given number of opposing persons is "substantial," that doubt shall be resolved by discussion with APP-600 to determine if the action should be processed as a highly controversial one.

c. An action that is likely to have a significant impact on natural, ecological, cultural, or scenic resources of national, state, or local significance (refer to appropriate subparagraphs under 47e, chapter 5).

d. An action that is likely to be highly controversial with respect to the availability of adequate relocation housing. In an action involving relocation of persons or businesses, a controversy over the amount of the acquisition or relocation payments is not considered to be a controversy with respect to availability of adequate relocation housing.

e. An action that is likely to:

(1) Cause substantial division or disruption of an established community, or disrupt orderly, planned development, or is likely not to be reasonably consistent with plans or goals that have been adopted by the community in which the project is located; or

(2) Cause a significant increase in surface traffic congestion.

f. An action that is likely to:

(1) Have a significant impact on noise levels of noise sensitive areas.

(2) Have a significant impact on air quality or violate the Federal, State or local standards for air quality.

(3) Have a significant impact on water quality or contaminate a public water supply system.

**APPENDIX 4. CATEGORICAL EXCLUSIONS/EXTRAORDINARY
CIRCUMSTANCES (Continued)**

(4) Be inconsistent with any Federal, State, or local law or administrative determination relating to the environmental.

g. Other action that is likely to directly or indirectly affect human beings by creating a significant impact on the environmental.

APPENDIX 5. ACRONYM LIST

AAF-1	- Associate Administrator for Airway Facilities
AAM	- Office of Aviation Medicine
ACM	- Asbestos-Containing Materials
AEE	- Office of Environment and Energy
AF	- Airway Facilities
AFESC	- Airway Facilities Environment and Safety Compliance
AFESCC	- Airway Facilities Environmental and Safety Compliance Committee
AFPMES	- Airway Facilities Program Manager for Environment and Safety
AHERA	- Asbestos Hazard Emergency Response Act
AHR	- Office of Human Resource Development
AHT	- Office of Training and Higher Education
ALARA	- "As Low As Reasonably Achievable"
ANS	- NAS Transition and Implementation Service
APMES	- Associate Program Manager for Environment and Safety
ASM	- System Management Service
ASTs	- Aboveground Storage Tanks
AXX-420	- Regional Airway Facilities Division Resources and Planning Branch
AXX-450	- Regional Airway Facilities Division, Establishment Engineering Branch
AXX-460	- Regional Airway Facilities Division, Systems Maintenance Engineering Branch
C.F.R.	- Code of Federal Regulations
CE	- Categorical Exclusion
CERCLA	- Comprehensive Environmental Response, Compensation, and Liability Act
CEPP	- Chemical Engineering Preparedness Program
CEQ	- Council on Environmental Quality
CESQG	- Conditionally Exempt Small Quantity Generator
CFC	- Chlorofluorocarbons
CMS	- Corrective Measure Study
COE	- Corps of Engineers
CWA	- Clean Water Act
DOT	- Department of Transportation
EA	- Environmental Assessment
EDDA	- Environmental Due Diligence Audits
EHS	- Extremely Hazardous Substance
EIS	- Environmental Impact Statement
EPA	- Environmental Protection Agency
EPCRA	- Emergency Right-to-Know Act
EPD	- Emergency Planning District
FAA	- Federal Aviation Administration
FIFRA	- Federal Insecticide, Fungicide and Rodenticide Act
FONSI	- Finding of No Significant Impact
FS	- Feasibility Study

APPENDIX 5. ACRONYM LIST (Continued)

HCFC	-	Hydychlorofluorocarbons
HMTA	-	Hazardous Materials Transportation Act
HSWA	-	Hazardous and Solid Waste Amendments
JAI	-	Joint Acceptance Inspection
Kg	-	Kilograms
LEPC	-	Local Emergency Planning Committees
LQG	-	Large Quantity Generator
MCL	-	Maximum Contaminant Level
mgd	-	Million gallons per day
MSDS	-	Material Safety Data Sheets
NAAQS	-	National Ambient Air Quality Standards
NCP	-	National Contingency Plan
NEPA	-	National Environmental Policy Act
NESHAP	-	National Emission Standards for Hazardous Air Pollutants
NOI	-	Notice of Intent
NPDES	-	National Pollutant Discharge Elimination System
NPL	-	National Priorities List
NRC	-	National Response Center
NSPS	-	New Source Performance Standards
O&M	-	Operations and Maintenance
OMB	-	Office of Management and Budget
OSC	-	On-scene Coordinator
OSHA	-	Occupational Safety and Health Act
PA	-	Preliminary Assessment
PCB	-	Polychlorinated Biphenyls
PCM	-	Phase Contrast Microscopy
PEL	-	Permissible Exposure Limit
POTW	-	Publicly Owned Treatment Works
PPE	-	Personal Protective Equipment
PPM	-	Parts Per Million
PRP	-	Potentially Responsible Party
RA	-	Remedial Action
RCRA	-	Resource Conservation and Recovery Act
RD/RA	-	Remedial Design/Remedial Action
RDCM	-	Regulated Asbestos Containing Material
RFA	-	RCRA Facility Assessment
RFI	-	RCRA Facility Investigation
ROD	-	Record of Decision
RPMEs	-	Regional Program Managers for Environment and Safety
RQ	-	Reportable Quantity
SARA	-	Superfund Amendments and Reauthorization Act
SC	-	Steering Committee

APPENDIX 5. ACRONYM LIST (Continued)

SDWA	- Safe Drinking Water Act
SECM	- Sector Environmental Compliance Manager
SERC	- State Emergency Response Commission
SI	- Site Inspection
SIC	- Standard Industrial Classification
SPCC	- Spill Prevention Control and Countermeasures
SQG	- Small Quantity Generator
SWDA	- Solid Waste Disposal Act
SWMU	- Solid Waste Management Unit
TPQ	- Threshold Planning Quantities
TSCA	- Toxic Substances Control Act
TSD	- Treatment, Storage, and Disposal
TWA	- Time Weighted Average
U.S.	- United States
UIC	- Underground Injection Control
USDA	- United States Department of Agriculture
UST	- Underground Storage Tanks
VSI	- Visual Site Inspection



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APPENDIX 6. AIRWAY FACILITIES ENVIRONMENTAL AND SAFETY COMPLIANCE COMMITTEE CHARTER**CHARTER**

A. Official Designation: Airway Facilities Environmental and Safety Compliance Committee (AFESCC). The AFESCC combines the resources, expertise and experience of the Agency to establish a focal point for environmental and safety compliance issues.

B. Objectives: To develop Airway Facilities (AF) implementation policies for environmental and safety compliance issues, technical guidance, and safe operating procedures in accordance with applicable laws and regulations for FAA activities for which AF is responsible.

C. Scope of Activities: The AFESCC shall address environmental and safety compliance issues associated with activities for which AF has responsibility. The AFESCC shall review the major program areas for possible environmental and safety problems and for compliance with new policies, as well as provide recommendations to AAF-1 concerning policy directives and technical issues. Priorities for strategic planning and decision making on operational issues will also be developed by the AFESCC.

D. Composition of Committee: The Committee shall be comprised of a Steering Committee (SC), Subcommittees, and an Administrative Staff.

E. Rules of Procedure: Each Subcommittee may adopt rules of procedure for conducting its review of the issues presented to it. However, any rules of procedure must include the following at a minimum:

1. Any member of the Subcommittee may work independently on an issue assigned to the Subcommittee as directed by the Subcommittee chairperson.

2. The Subcommittee shall conduct business by using an agenda for their meeting, by following the schedules outlined by the SC, and by keeping and retaining minutes of their meetings, and other proceedings.

3. Except for urgent issues, agendas and schedules must be distributed prior to any meeting of the Subcommittee.

4. Decisions made by the Subcommittee, including final recommendations on issues, shall be obtained by consensus. If consensus cannot be reached, then majority vote shall rule.

APPENDIX 6. AIRWAY FACILITIES ENVIRONMENTAL AND SAFETY COMPLIANCE COMMITTEE CHARTER
(Continued)

5. All reports and written recommendations made by the Subcommittee shall be presented to the SC in the following format:

- a. Subject-Title
- b. Originator
- c. Date submitted
- d. Background
- e. Facts bearing on the issue
- f. Financial impacts
- g. Schedule impacts
- h. Organizational impacts
- i. Anticipated benefits
- j. Recommendations

F. Duties/Functions and Membership:

1. Duties/Functions

a. The Steering Committee (SC). Oversees the management of the Committee; receives written proposals for issues to be addressed by the committee; determines whether an issue appears amenable for solution by the Committee and, if so, assigns it to the appropriate Subcommittee for action with a general schedule for completion of the action. The SC also prioritizes the issues presented to the committee; ensures diversification of the membership of the Subcommittees; participates in Subcommittee activities to advise and coordinate as necessary; forwards guidance and policy directives on the issues resolved by the Subcommittees to the Associate Administrator for Airway Facilities, AAF-1; and establishes subcommittees as needed.

b. The Subcommittees. There are currently four standing Subcommittees: Environmental Compliance, Environmental Safety, Policy and Procedures, and Advisory. Generally, the Subcommittees collect, review and study data, develop guidance, policy directives, and recommend a resolution or course of action on all environmental safety issues assigned to the Subcommittee by the SC. The Subcommittee may solicit input from within AF or from other FAA organizations or other Federal, State, or local organizations on any issue presented to it by the SC.

**APPENDIX 6. AIRWAY FACILITIES ENVIRONMENTAL AND SAFETY COMPLIANCE COMMITTEE CHARTER
(Continued)**

(1) The Advisory Subcommittee. Although the Advisory Subcommittee may be tasked by the SC on specific issues, the primary function of this subcommittee is to provide support to the AFESCC. This support includes, but is not limited to, advice on union matters, legal counsel, medical expertise, human resources, labor relations, environmental and safety regulations, flight standards, and real estate transactions knowledge. This support does not include voting rights.

(2) The Policy & Procedures (P&P) Subcommittee. The primary function of P&P is to review written implementation guidance and other documents generated by the AFESCC for their content, format and applicability to AF. After review, P&P makes recommendations to the the SC based on a cost benefit analysis.

c. The Administrative Staff. The Administrative Staff schedules and makes arrangements for meetings of the SC as approved by the SC chairperson; serves as a clearinghouse for receipt of written proposals for environmental and safety issues to be reviewed by the AFESCC; provides administrative support to the AFESCC in all areas; upon receipt of a written proposal for consideration by the AFESCC, reviews the existing data files to determine whether the issue has been resolved elsewhere and, if so, notifies the requester of the resolution; upon a determination that the issue has not been resolved elsewhere, consults with the SC chairperson to determine whether the issue requires such immediate attention that a special SC meeting should be convened; unless the SC chairperson determines that a special meeting is required, places the issue on the agenda for consideration by the SC at the next regularly scheduled meeting.

2. Membership. Participation in the Committee is voluntary; however, membership to a subcommittee must be approved by the SC. Regional program managers for environment and safety (RPMES), shall be members of the Committee for the duration of their job position. Committee members must be full time Federal employees. Support elements from outside the FAA may not serve as members of the Committee.

a. Size. Each Subcommittee shall not exceed twelve members in size. No more than two people from each Regional AF Division may serve on each Subcommittee. SC members who may attend the Subcommittee meetings for coordination purposes will not be counted in the membership total for the Subcommittee.

b. Composition. Each Subcommittee shall consist of FAA employees from technical and other disciplines appropriate to the issues presented to it, including, but not limited to, environmental technicians, environmental managers, supervisors, legal counsel, logistics specialists, property management specialists, and contracting specialists.

APPENDIX 6. AIRWAY FACILITIES ENVIRONMENTAL AND SAFETY COMPLIANCE COMMITTEE CHARTER (Continued)

c. Voting Rights. All Committee members have voting rights with the following exceptions:

(1) The Advisory Subcommittee can be called upon to provide assistance to any subcommittee, but cannot vote on any non-Advisory Subcommittee issues.

(2) Members employed by DOT (non-FAA) may serve on the Committee, but shall not have voting rights.

d. Miscellaneous. Any miscellaneous questions regarding Subcommittee membership will be resolved by the SC Chairperson.

G. Official to Whom the Committee Reports: The AFESCC operates under the auspices of AAF-1 with oversight from the AFPMES.

H. Sponsor and Office Providing Support Services: The AFESCC operates with oversight from the AFPMES and is sponsored by AAF-1. The Steering committee has established an administrative staff to provide support services for the AFESCC.

I. Estimated Number and Frequency of Meetings: The AFESCC shall meet in a general session at least twice per calendar year (June and December). The Steering Committee and subcommittees will meet at least once before the June and December sessions.

J. Officers: The chairperson for the AFESCC is the AFPMES or his designee. The Subcommittee chairpersons are elected by their respective committee members. Subcommittee chairpersons' term of office is 2 years. The members must vote at the end of each term for a subcommittee chairperson; however, there is no limit to the number of terms.

K. Estimated Annual Cost to the Government to Fund, Support, and Maintain the Committee in Dollars and Employee-years: \$260,000

L. Payment of Experts and Consultants: Normally, experts and consultants are not employed to assist the AFESCC. However, should an expert or consultant be hired, prior approval must be made by the Steering Committee and the salary cost, travel, and per diem would be included as a committee cost under paragraph K of the charter.

M. Public Participation: AFESCC meetings and activities are not open to the public.

N. Availability of Records: AFESCC records are available only to FAA and DOT employees. All records are maintained at FAA Headquarters, in ANS-204, 800 Independence Avenue, S.W., Washington, D.C., 20591.

**APPENDIX 6. AIRWAY FACILITIES ENVIRONMENTAL AND SAFETY COMPLIANCE COMMITTEE CHARTER
(Continued)**

O. Public Interest: The continued use and existence of the AFESCC is determined to be in the public interest in connection with the performance of duties imposed on FAA by law.

P. Effective Date and Duration: The AFESCC was established, in the third quarter of 1992, as a continuing committee, by AAF-1. The first general session was held in the Washington, D.C. metropolitan area in May 1992.

